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The Washington Monthly

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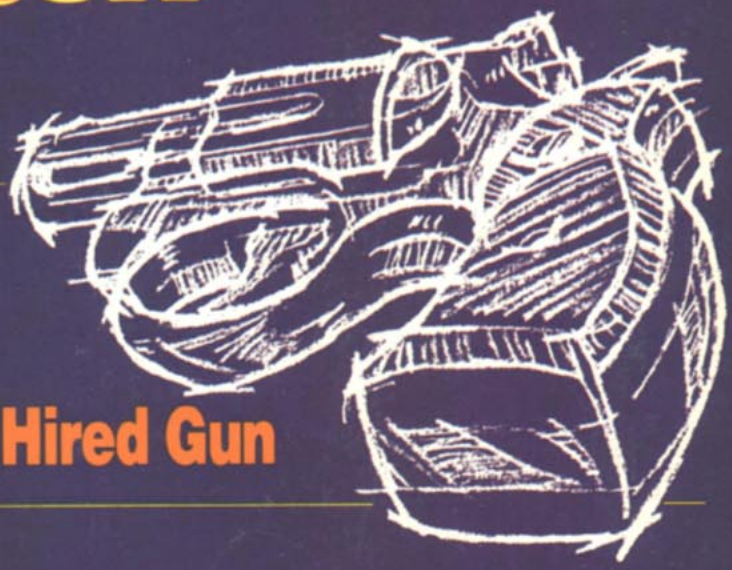

Evan Thomas on

Edward Bennett Williams & the Myth of the Heroic Hired Gun

James David Barber on how

George Bush rewrote the book on the Imperial Presidency

Taylor Branch on (the secret life of) J. Edgar Hoover

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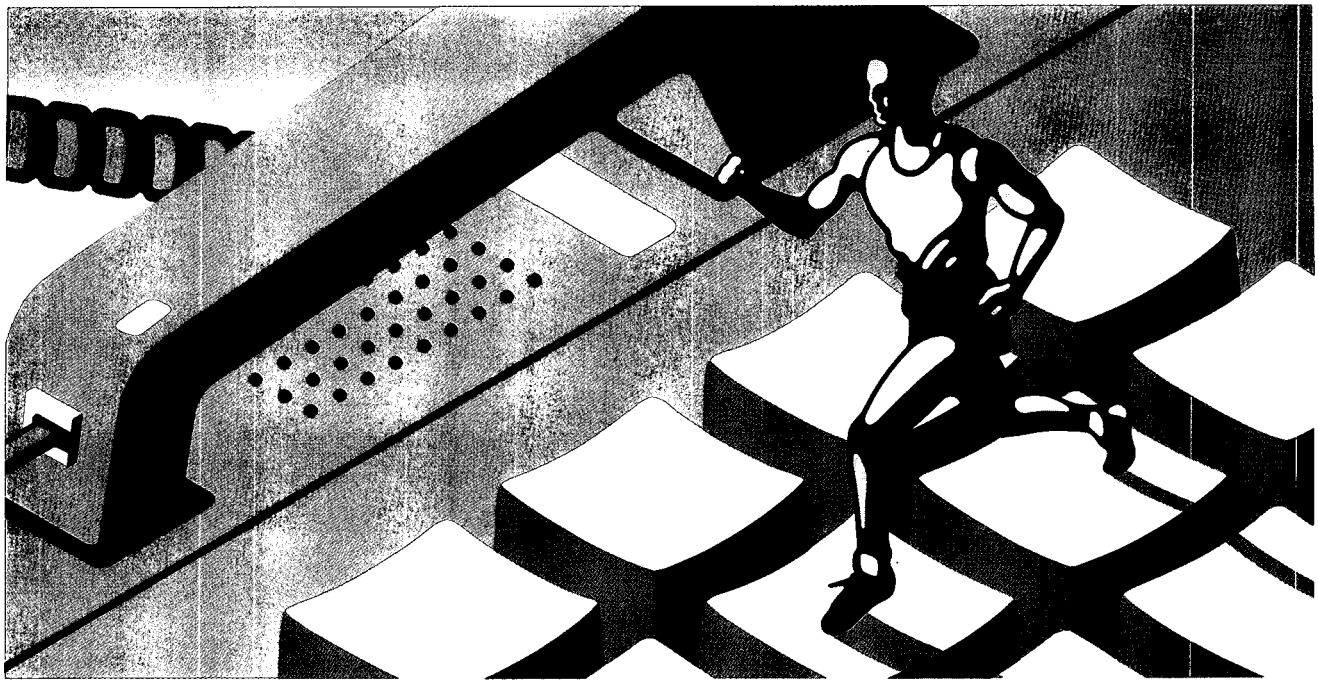

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The Washington Monthly

Volume Twenty-Three, Number 10 October 1991

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LETTERS

Brothers in arms

Well, will you look at that—two of my very favorite people in the world, Tom Clancy and Charles Peters, having a go at each other in *The Washington Monthly* ["Letters," July/August].

I suppose such a spat was inevitable, given the way Clancy has glamorized high-tech weaponry in his novels and Peters has published articles (like the one by Scott Shuger attacking Clancy) questioning our reliance upon such weapons.

But there is no dishonor at stake that demands satisfaction. Clancy conferred an aura of efficiency on our military at a time when it was sorely needed. Peters raised thoughtful questions about our military's reliance upon fancy technology. Both performed honest, useful work.

Peters has nothing to apologize for, which is just as well. One could spend a long time waiting for a magazine editor to admit error, and even longer for a West Virginian to back down in an argument. As for Clancy, he was right about the effectiveness of high-tech weapons, but his military vision is not always clear. The moral of the story is that all God's children make mistakes, even public-spirited editors and filthy rich novelists. A bit of humility enables us to accommodate them.

HANK COX
Takoma Park, Maryland

Turning the screw

While it may well be true that only the rich have the money to bribe governments, authors Betsy Dance and Claudia Kolker ["80 Rms, Grt Vu, No Tx," July/August] seem to have overlooked the fact that what makes it all possible is a corrupt government in the first place.

The key question that the article fails to ask is why some assessments are as high as they are in the first place. The authors assume the assessments to be correct, but this is not necessarily true. It is an old and dishonorable practice of governments to mulct the unwary by asking for more money than is properly due. Most people pay without protesting, but some do object. And those who object are those with the most to lose—namely the rich.

In short, it is not the rich who are screwing the rest of us, but a corrupt government that is trying to screw all of us.

JOHN R. CARTER
Earlysville, Virginia

Immaculate contraception

I was dismayed to read Rita McWilliams's use of my comments in her article, "Why Aren't Pro-lifers and Pro-choicers Pro-contraception?" [July/August]. After interviewing me *solely* concerning the theological background of the church's teaching on contraception, McWilliams used my words to prove that the church's public defense of unborn human life is really an extremist campaign against contraception. Had McWilliams bothered to question me on the subject matter of her article, I would have responded in the following way:

Because every abortion is the destruction of a human life—and thus a gross violation of that human being's fundamental right to life—the Catholic Church has been in the vanguard of those who urge the government to protect unborn lives.

Regarding contraception, the church encourages responsible parenthood and teaches Catholic couples to fulfill this responsibility by practicing methods that are in accord with moral law. But the church is aware that not all citizens possess such an understanding or commitment. Therefore, when it comes to public policy on contraception, the church merely asks the government to assume a position of neutrality—neither punishing nor promoting contraception. Shifting the context of my remarks between our interview and the finished article only served to blur these important moral and public policy issues.

HELEN M. ALVARÉ
Washington, D.C.
Ms. Alvaré is director of planning and information for the Secretariat for Pro-Life Activities of the National Conference of Catholic Bishops.

Get real. The question isn't why pro-choicers aren't pro-contraception. Pro-choice groups have always supported a woman's right to use contraception, in very concrete ways. And it makes no sense to ask them to "endorse contraception over abortion," presumably on moral grounds, since imposing such a moral judgment on women faced with an unwanted pregnancy cedes the entire issue to those who would shame, intimidate, or officially coerce their fellow citizens. And while we're at it, can't we call these people prohibitionists? It's far more more accurate than "pro-life."

As for McWilliams's implication that most women choose abortion for reasons of "convenience," I can only assume that she has never even contemplated raising a child with little or no social support. Women who choose to do so are either incredibly brave or incredibly irresponsible. Do we really want state legislators to make the call on that one?

No, the real story is how the Reagan and Bush administrations awarded prohibitionists the title to U.S. birth control policy here and abroad. And how, for a full decade, they've held family planning hostage to abortion *even if it meant more abortions would result.*

I've written advocacy advertising for pro-choice groups. I know what these campaigns cost. And I know how very much Planned Parenthood—to cite just one example—wishes it could devote more time than it already does to enhancing women's choices and less to preserving the choices they already have. Unfortunately, so long as cynical Republican electioneers continue to reckon that indulging the prohibitionists will keep their envelopes licked and their phone banks staffed, pro-choice groups

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will be obligated to protest the viciousness, fraudulence, and ultimate futility of compulsory pregnancy laws.

Could that energy be more happily and productively employed in reducing the number of unintended pregnancies—and consequent abortions? Of course it could. That's the whole, sad point.

JONATHAN POLANSKY
Fairfax, California

The data game

I'm surprised that Jason DeParle's standing as a *Washington Monthly* alum gives him the privilege of rewriting his *New York Times* articles for your publication. His July/August article ["Homeless in Hot Tubs"] is a sloppy rewrite of an even sloppier May 26 "Week in Review" article in *The New York Times*.

As he did in the *Times*, DeParle presents economist Marvin Kosters as disagreeing with Congressman Dick Armey's contentions about the Green Book's estimates of income inequality. In fact, Kosters told me that he agrees with Armey's arguments—that the Congressional Budget Office routinely overcounts capital gains and undercounts capital losses—and that he had told DeParle the same thing. It is entirely possible to agree that there's been an increase in inequality and feel that this inequality has been overstated by CBO accounting tricks. Kosters also told me that he hadn't even read the Armey report that he had supposedly assured DeParle wasn't gaining popularity.

DeParle cheekily asks: "Do they really think that poverty in America is the creation of some sneaky liberal statistician?" Of course not, but conservatives do lament that the political debate over wealth and poverty begins with overstated estimates of both. Conservatives should answer DeParle with a less cheeky question: Does he really think that we can arrive at an honest definition of poverty when the sneaky liberal reporters writing the stories on it can't be honest in how they report it?

TIM GRAHAM
Alexandria, Virginia
Mr. Graham is associate editor at MediaWatch.

The author replies:

Given the times, I probably should feel relieved that Graham accuses me of plagiarizing only myself. But as anyone who read both pieces can attest, they were very different.

I don't understand Graham's other complaint. I neither said nor implied that Kosters endorsed the way the CBO calculates capital gains. In fact, I explicitly stated that "Armey has a point when he argues that the data on inequality can easily be jiggered for partisan reasons. Depending on the year chosen, the growth in inequality can look smaller or larger."

I quoted Kosters on only one point, and it's one that Graham apparently agrees with: "Most analysts would agree that there's been a growth in inequality."

Sexless ed

Your comments on staffing parochial schools in the July/August "Tilting at Windmills" were so superficial as to be silly. I looked for some indication that you were talking with tongue in cheek but didn't see any.

Celibacy is not a requirement for teaching in parochial schools. Anyone, married or single, who is willing to work for peanuts is welcome to apply. In fact, if more people were willing to accept the discipline of celibacy these days—and thus not have spouses and children to support—schools might find more takers for their low salaries.

There are many more married people teaching in our schools now than Sisters or Brothers. The problem is finding the money to offer these teachers acceptable salaries. Contrary to your facetious analysis, we could use *more* people willing to live single and poor.

MICHAEL SULLIVAN
Kinshasa, Zaire

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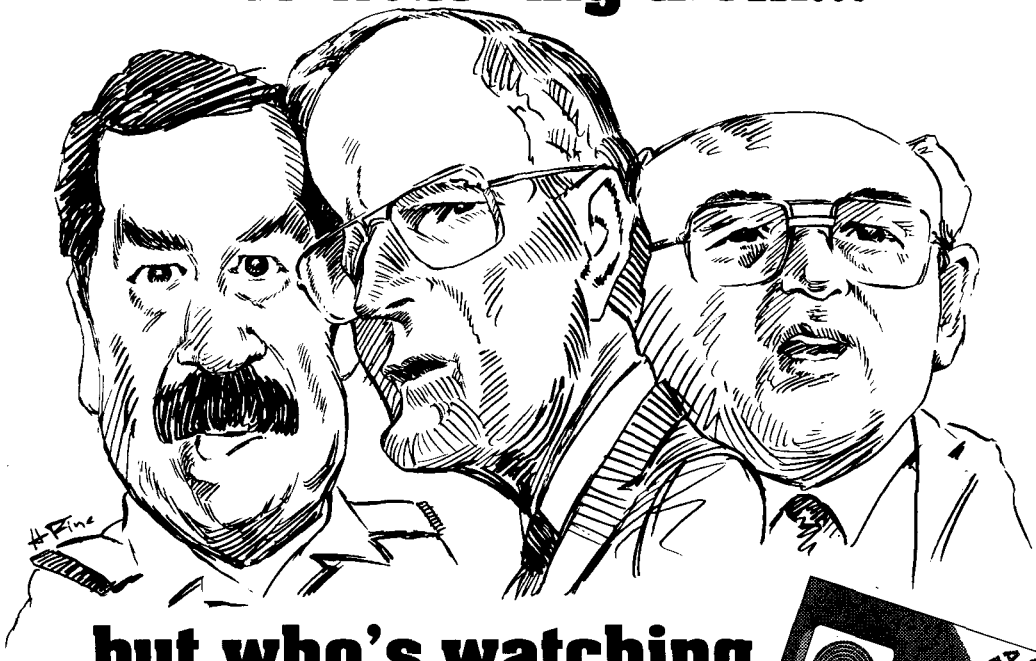

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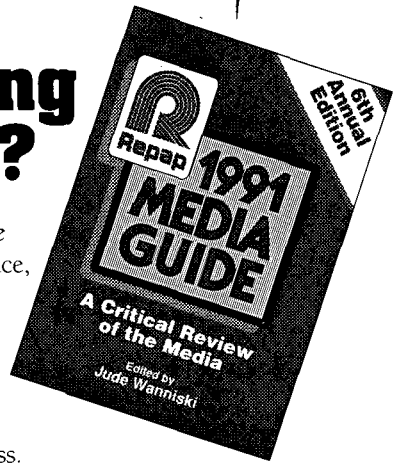

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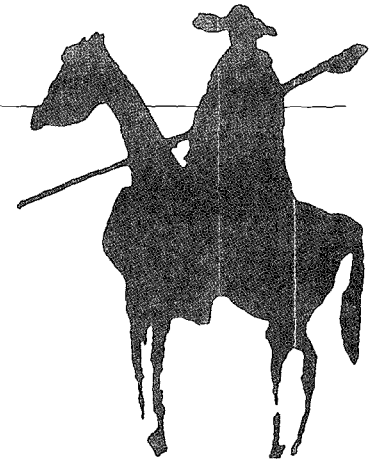

As you probably suspect, current codes of legal ethics provide less than complete protection of the public. Ponder for a moment this new rule being considered by the California Bar: A lawyer shall not demand sexual relations with a client as a condition of legal representation.

This, I emphasize, is a proposed rule. It is not currently in effect. It is only being considered.

But even if it is adopted, concupiscent attorneys can take comfort in a loophole that accompanies the new rule: When a lawyer in a firm has sex with a client but does not participate in the representation of that client, the lawyer is not subject to discipline.

In other words, a Robert Altman can assure the sweet young thing that if she will only accommodate his desires, a Clark Clifford will be at her side in the courtroom. . . .

Remember our June story, "Bookshelves of the Vanities," which criticized the nonprofit New York Public Library and patrons like Tom Wolfe and Jackie O for gobbling up tea, salmon, and esoteric special collections while neighborhood branches closed their doors? Or maybe you remember the outraged response that piece prompted from NYPL's president and chairman of the board, whose letters pleading poverty and denying responsibility for the branches ran in the September issue? Well, we can only guess that drafting those self-serving letters made the two top bananas feel a little guilty. At the end of August, the NYPL proudly announced its decision to provide an infusion of funds to the branches—breaking from its 90-year tradition of letting the branches do or die by themselves.

The day of the announcement, we've heard, NYPL's publicity agents faxed a celebratory press release to a slew of major and minor media outlets. Here at the *Monthly*, we're still waiting by the fax for our copy. Perhaps library officials feared we might notice that the NYPL's burst of beneficence was explicitly restricted to "one time only." In other words, the library may have felt trapped into doing its duty this once but certainly doesn't want to set any precedent that might require generosity on a regular basis. . . .

Did you see the headline in *The New York Times*: "U.S. Ranked No. 1 in Weapons Sales"? Does this make you feel proud? . . .

Three weeks before a train from the Southern Pacific freight yard at Colton, California, derailed, an official of the Federal Railroad Administration canceled an inspection of the yard. Why? Because Southern Pacific had complained that previous inspections were too tough. The subsequent derailment spilled 15,000 gallons of pesticide and destroyed all aquatic life in a 45-mile stretch of the Sacramento River. Two weeks after that derailment, another Southern Pacific train went off the tracks in Ventura County, California, spilling 440 gallons of poisonous hydrazine. . . .

How can we get a more responsive government without totally abandoning ourselves to the political passions of the moment? How can we solve the problem of permanent incumbents in Congress without sacrificing the wisdom that comes from long experience? I have a solution to both of these perplexing constitutional questions. Leave the Senate as it is, but change the term of House members to four years while limiting their service to three terms. This would actually stand a chance of being enacted because it offers the congressman something—the good news that he will have to endure the anxiety of campaigning only every four years instead of every two—in return for swallowing the three-term limit.

And if the four-year term is made to coincide with the president's, we will have a real chance of getting a House that is philosophically attuned to the president. But we will still have a Senate elected on the current basis to provide continuity and a brake on the passions of the moment. . . .

As the *Monthly* long ago pointed out and as has been confirmed by several stories this summer, Stanford is not the only university ripping off the federal government. The latest example of

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academic plunder comes from the University of California, which somehow decided that it needed a fleet of 1,156 government-funded vehicles for its Livermore Laboratory. Since Livermore, a facility occupying only 1.2 square miles, possessed no unusual travel needs, a Senate investigating committee became curious as to why the university bought so many cars with government funds. John Glenn came up with the answer: The university contract with the government provides for the title to each vehicle to be transferred to the university after four years' use. The higher the total number of cars, the higher the number of cars transferred to the university, and, of equal importance, the lower the mileage on the cars. . . .

The Boston University School of Medicine is holding a conference on obstetrics, gynecology, and the law. Should you make your reservation at the Copley Plaza? Of course not. By now, our faithful readers realize that such conferences are always held at some distant tax-deductible resort. In this case, B.U. has selected the Hyatt-Regency Kauai in Hawaii.

Douglas Hagerman, one of those rare conscientious lawyers who revive my faith that all is not lost in the legal profession, sent me the Kauai conference brochure and accompanied it with this observation:

"The bigger scandal may be the fact that few of those who take advantage of 'educational' programs at vacation spots actually attend the educational sessions provided. Yet many of the 'participants' will claim continuing education credit for sessions that they did not attend. Not only do they get a boondoggle at the expense of the tax system, but they avoid their important obligation to stay abreast of developments in their fields.". . .

If you wonder why I devote so much attention to these tax-deductible conferences, it's because they are a perfect example of the way upper-middle-class Americans, especially lawyers and doctors, have come to exploit and defend a loophole that the rest of us must pay for—which helps explain why the more affluent part of the middle class is increasingly allied with the rich against the rest of us in the great cause of protecting tax breaks and other privileges. . . .

Another lawyer who deserves praise is Jim Rogers of Oakland, California, who was almost single-handedly responsible for the enactment of the California law that requires all ads for or against statewide ballot measures to identify who paid for them. Instead of being able to parade under some label that sounds, say, pro-environment, corporations that voters will recognize as not pro-environment at all will have to identify themselves. In other words, the Nature Lovers' Coalition to Stop the Overbreeding of the Spotted Owl would have to admit that it's really a front for Weyerhaeuser. . . .

If the Canadian system of health care is, as we argue in the article that begins on page 43, clearly better than ours, so is the way Canada compensates its corporate executives. In Canada, according to *The Wall Street Journal*, the average CEO was paid $260,000 in 1990. American companies overpaid comparable executives by $140,000, an excess of more than 40 percent. Yet the difference between the salaries of comparable clerical personnel was only 8 percent. . . .

For years we've been urging that school teachers be hired on the basis of teaching ability and subject knowledge rather than on the basis of generic "education" degrees. A recent study—the National Assessment of Education Progress—suggests we're at least right about subject knowledge. It found that math instructors with mathematics degrees had higher-scoring students than those with education degrees. . . .

We've all heard local government officials moan about how they have to cut back on services because of falling revenues. What they never cut is their salaries, which always manage to rise even amid a sea of red ink. For example, according to *The San Jose Mercury-News*, the chief executives of California's 10 largest counties will earn an average of $132,000 this year, which is 48 percent more than they made five years ago.

The voters of Pasadena thought they had found a way to forestall such shenanigans when they required the city council to get the approval of voters for any salary increase. But when those voters rejected an increase the council had recently given itself, the council simply raised the salaries of the members of the city's Development Commission, which just happened to consist of the same people as the council. . . .

Speaking of pay raises, the ones that the House and Senate gave themselves in the past year have hidden provisions that will boost handsomely the already generous pensions to which retired congressmen are entitled. For example, a House member with 30 years' service who would have received a $76,000 pension will now get $106,500. If Ted Kennedy retires at the end of his

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current term, as Massachusetts voters now seem to wish, his pension will be $111,600. And if that doesn't get your dander up, contemplate the social justice of making the taxpayers shell out a similar sum when Jay Rockefeller retires.

But the actual amount of the pensions doesn't tell anything like the whole story. Warren Brookes, the conservative columnist whose factual research is usually reliable, has put together the combined pension, survivor, and social security benefits for a senator with 19 years' service retiring in 1994. They amount to almost $1 million more under the new provisions. But what is most shocking to me is that, even under the previous rules, they would—assuming the senator survived for 19 years and his spouse for five more—have totalled $2,453,916.

In the Name of Democracy

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THOMAS CAROTHERS
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The key to the increase is a new requirement that congressional pensions rise every year, *without a vote*, by the amount of inflation minus 0.5 percent. Thus if inflation is 4.5 percent, the congressmen will automatically get a 4 percent increase, which each year will be added to the base amount on which next year's increase will be determined. Of course, the congressmen probably think they are being modest in their demands, since the pensions of other federal employees are *fully* indexed against inflation.

A simple step to control this madness has been recommended by one reputable pension reform organization: Limit indexing of all federal employee pensions (which are already more than two and a half times better than those in private industry) to the level of comparable social security recipients—which would mean no indexing above $18,000.

If that sounds extreme, recall that through the sixties, pensions weren't indexed at all. A pension was a fixed sum you knew you would receive for the rest of your life. There was no sense that it should be annually adjusted upward. Then the double-digit inflation of the seventies made indexing seem necessary. But since 1981, inflation has not been a serious problem; as a matter of fact, to the extent it has been a problem at all, the indexing of government pensions has been one of its causes.

If the $18,000 limit is adopted— in other words, if only $18,000 of each pension is inflation-proofed—the actuarial liability of the total pension system would be reduced by more than $500 billion. That's a saving not to be scorned. Its dimensions should give you a clue as to how much of the federal budget goes to programs that automatically increase each year and are currently immune to our control. . . .

In order to feel good about all the pay raises it was giving itself, Congress gave generous increases to other federal employees. For instance, the members of the Senior Executive Service (SES), whose compensation last year ranged from $71,200 to $83,600, now get $84,000 to $104,500. Unless you're a corporate CEO, I bet you didn't get a raise like that this year. And I bet your future pension didn't escalate either. But retired members of the SES are going to live almost as well as retired congressmen.

The catch is that they have to hang around until 1994, because federal pensions are based on the highest three years of a retiree's income. This means, among other things, that if you are hoping to be promoted into one of these jobs in the next couple of years, you don't stand a chance. It also means that in 1994, there will be a mass exodus from the ranks of the SES. . . .

If you have ever been in Guatemala, you will both understand and be chilled by the following report from Lee Hockstader of *The Washington Post*:

"The Guatemalan military, which ruled the country through a succession of dictatorships until 1986, remains largely autonomous, and no officer has ever been prosecuted or convicted for a human rights violation. The impunity has been extended to cases involving Americans."

The last sentence is, of course, an amusing comment on our ethnocentrism—"My God, that means this is really serious"—but it does remind me that when I first

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arrived in Guatemala in 1964, I was greeted by the news that the local military had shot and killed an American the day before, so my visit turned into a series of anxious looks over my shoulder at officers of the Guatemalan military, a dismaying number of whom seemed to have retained Manuel Noriega as their eyewear and skin care consultant. . . .

That reminds me of another trip I made in 1964, to visit the Peace Corps program in Ethiopia. There I met two good men who are now running for office—Paul Tsongas, who was then a volunteer, and Harris Wofford, who ran the program and is now running for the U.S. Senate seat to which he was appointed by the governor of Pennsylvania after the death of John Heinz. I can tell you that Paul is a much better man than the press gives him credit for being. He was an outstanding Peace Corps volunteer, displaying intelligence and tenacity in extremely difficult situations. He was a thoughtful senator, and he is one of the few Democrats who realize that the party has some responsibility for encouraging the entrepreneurship that will finance the social programs the party advocates. Harris Wofford, one of the few white pioneers of the civil rights movement, is clearly better than BCCI's protector, Dick Thornburgh. So if you can vote for him or contribute to his campaign, I urge you to do so. . . .

If I were black, I would be driven craziest by whites' assumption that blacks aren't as bright as they are—or as Stephen Carter puts it in his new book (see Gary Lee's review on page 55), that "the smartest students of color [are] not considered as capable as the smartest white students." Although liberal whites will never come right out and say such things, much of their support for affirmative action programs springs not from the reasonable notion that cultural obstacles impede blacks, but from the secret conviction that blacks can't compete on an equal basis. Conservatives are less hesitant to speak frankly about the matter. Indeed, I understand that two prominent conservative social scientists are preparing a study that is supposed to demonstrate that blacks are less intelligent than whites.

I have a strong hunch that this research will be heavily dependent on tests that are biased against blacks. I have this hunch because all my life experience indicates that blacks are just as intelligent as whites. Even whites whose only knowledge of blacks

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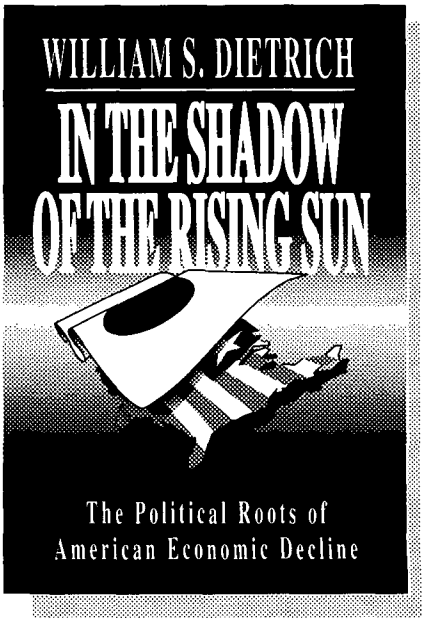

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comes from television should realize this is true. As evidence, I cite the Peters Post-Game Interview Study. It may lack charts and bar graphs, but it is based on an experience shared with millions of other sports addicts who will be able to attest to its validity.

Over the past 30 years I've faithfully watched thousands of interviews after football, baseball, and basketball games in which athletes are challenged to come up with answers to usually dumb questions asked by usually white reporters. On average, the answers of the black players have been just as intelligent as those of the whites, although there are some stunningly leaden minds in both races. Indeed, I would say that on the whole, the blacks have been a bit livelier and cannier than the whites. . . .

Did you know that the Pentagon has its own medical school? It's called the Uniformed Services University of the Health Sciences. Its mission is to provide physicians for the armed services. But the military has a scholarship program that does just that, providing 1,100 doctors for the military each year. The Pentagon school, by contrast, produces only 150, according to Harry Nelson of the *Los Angeles Times*. Yet the scholarship program and the school cost the same: $114 million each. Why, then, don't we give 150 more scholarships and abolish the school? . . .

My only complaint about Evan Thomas's excellent new book, *The Man to See* (an excerpt begins on page 12), is that because it is an authorized biography, Thomas had to give Williams's widow a veto over alleged factual errors. Thus after the words "He had little interest" on page 81 of the bound galleys, one finds a line drawn through the words "in clients who couldn't pay." The statement was erroneous only to a tiny degree, so Thomas should have qualified it instead of deleting it. Williams loved to excuse his defense of the Jimmy Hoffas by saying that everyone is entitled to counsel, and he did take a few cases that weren't lucrative, but on the whole he saw his lawyer's duty as being to represent only clients with fat wallets—or high profiles. More than any other attorney, Williams endowed the hired-gun lawyer with glamor and even respectability. . . .

The recent obituary of Thomas I. Emerson, the eminent authority on civil liberties law, after noting that he was "a Phi Beta Kappa graduate of Yale before going on to its law school and becoming editor in chief of *The Yale Law Journal*," continued:

"He went to Washington with President Roosevelt's New Deal in 1933 and worked in the National Recovery Administration, on the National Labor Relations Board, on the Social Security Board, and in the Attorney General's office.

"In World War II he was deputy administrator for enforcement of the Office of Price Administration, general counsel for the Office of Economic Stabilization, and general counsel of the Office of War Mobilization and Reconversion."

Such a record of government service was not uncommon among the outstanding law graduates of Emerson's generation. The tragedy is that it would be extremely uncommon among the graduates of the past 20 years. This is because of the selfishness and greed that became fashionable during the seventies and eighties and because of a series of presidents who have had neither the instinct nor the ability to inspire bright people to enter public service.

This psychic shift has meant that the rest of us have been forced to endure an increasingly mediocre corps of public employees—and that the best and the brightest, who have chosen private practice over government, have often doomed themselves to moral marginality. They, alas, cannot be redeemed, but the graduates who will be entering the workforce of the nineties might still be saved. I urge them all to ponder what Dean Acheson said (see James Reston's forthcoming memoir, *Deadline*) when Reston asked him if he liked being back at his law firm after having served the government:

"I hate it. I sit here getting more money for more people who don't need it or deserve it.". . .

Some of you may be thinking that sometimes government is the problem, and that a good lawyer should want to attack rather than serve it.

Fair enough. Before and after his government service, Tom Emerson did just that. In 1931, he defended the Scottsboro Boys, nine blacks whom many believe were unjustly convicted and sentenced to death for raping two white women. And in 1965, he argued before the Supreme Court the case that overturned a Connecticut law banning the sale of contraceptives.

I ask all the lawyers reading this: Wouldn't you feel better if you had done what Emerson did rather than devoting your life, as Edward Bennett Williams did, to being a hired gun for anyone, however slimy, who would pay your enormous fees. . . .

—*Charles Peters*

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WHO'S WHO

An indication of **John Sununu**'s decline is that his new executive assistant, **Timothy J. McBride**, is a **George Bush** loyalist, while his predecessor, **Ed Rogers**, was a Sununu man all the way. . . .

Guess who urged Bush to go easy on **Saddam Hussein** at the end of the war? **Jack Anderson** says it was **Brent Scowcroft**. Other sources tell us that Scowcroft was the Bush advisor who was most consistently dismissive of **Boris Yeltsin**. . . .

As practically everyone knows by now (see for example the *National Journal* of July 13), **Robert Zoellick** and **Margaret Tutwiler** are **James Baker**'s two closest aides. But *Who's Who* readers knew about their intimacy with the secretary long ago. In March 1988, we reported that Zoellick had become Baker's new **Dick Darman**. And as early as June 1984, we noted Tutwiler's special relationship with Baker. The *American Spectator*'s **David Brock** recently provided a delicious detail indicating just how special their relationship is. "I assume," Brock says, attempting to distinguish between the roles of Zoellick and Tutwiler, "that Zoellick does not receive a fresh rose on his pillow every night while on the road with the secretary." Who's Who's own Deep Throat adds another detail from the 1988 presidential campaign. When Tutwiler and Baker were traveling with the president, they occupied adjoining rooms—except when Mrs. Baker was accompanying her husband. . . .

Observers here have been wondering just how **William Taylor**, the administration's nominee to succeed **William Seidman** as head of the FDIC and the Resolution Trust Corporation, the S&L cleanup agency, is going to explain to congressional questioners why, in his previous post as the Federal Reserve's director of banking supervision and regulation, he failed to sniff out the emerging BCCI scandal. . . .

Three people who did what Taylor should have done and dug into the BCCI scandal were **Jack Blum**, the Senate investigator, **William von Raab**, the former Customs chief, and New York District Attorney **Robert Morgenthau**. If they were the heroes in the emergence of the truth about BCCI, von Raab says the villains in keeping it covered up were attorneys **Clark Clifford** and **Robert Altman** and public relations men **Robert Gray** and **Frank Mankiewicz**, who von Raab says convinced fellow members of the Washington establishment "that BCCI was probably not that bad since all these good guys they play golf with all the time were representing it." . . .

Dwayne Andreas, the grain dealer, is legendary for his ability to maintain friendships and make generous contributions to influential members of both political parties. Now one of his old Democratic pals, **Robert Strauss**, is in a position to help him even though the Republicans are in power. As our man in Moscow, Strauss will have a lot to say about the grain we give or sell to the Soviet Union. Strauss should also be in a position to help another old friend, Pepsi-Cola. Not only did he once serve on its board, but he also owns a large amount of its stock. Pepsi, in case you didn't know, was a pioneer American in the Soviet market and does a substantial amount of business there. . . .

Just in case you're curious, the name the CIA's **Alan Fiers** used when he was engaged in covert operations was **Cliff Grubbs**. . . .

Robert Dole, long the leading user of corporate jets, has lost his title to **Dick Gephardt**. Last year Dole took 14 trips in business aircraft, but Gephardt managed 25. U.S. Tobacco is one of the corporations to which Gephardt became indebted for making sure he had a private plane available when he wanted to fly. . . .

There was a precedent for **William Casey**'s alleged attempt to sabotage the release of American hostages in Iran before the November 1980 election. Veteran Washington observers point to the 1968 presidential race, when **Anna Chennault**—acting as an intermediary between **John Mitchell**, **Richard Nixon**'s campaign chief, and **Nguyen Van Thieu**, the South Vietnamese leader—persuaded Thieu to sabotage the Paris peace talks. Had those talks been successful or even continued to appear promising in the days before the election, they would have greatly helped the **Humphrey** campaign. . . .

In—*White House*: Assistant and Director of Communications for Vice President Quayle—**Jeffrey Asher Nesbit**. *Office of Management and Budget*: Deputy Director for Management—**Francis S. M. Hodsall**. *Agriculture*: Deputy Secretary—**Ann M. Veneman**. *Labor*: Chief of Staff—**John A. Schall**. *State*: Undersecretary of State for Political Affairs—**Arnold Kanter**. *Transportation*: General Counsel—**Arthur J. Rothkopf**.

Out—*White House*: Deputy Assistant to President Bush and Executive Assistant to Chief of Staff Sununu—**Edward M. Rogers**. *Agencies and Commissions*: U.S. Trade Representative, Deputy—**S. Linn Williams**.

—*Susan Threadgill*

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Inherit the Mint

How Edward Bennett Williams made legal prostitution respectable

by Evan Thomas

Michael Milken, the junk bond king, looked stricken. The Justice Department was closing in on the empire he had built out of vision, guile, and larceny. Frightened, Milken had done what many powerful men had done when they had a serious problem. He had done what Senator Joseph McCarthy, Teamster boss Jimmy Hoffa, mafia don Frank Costello, LBJ aide Bobby Baker, singer Frank Sinatra, Soviet spy Igor Melekh, industrialist Armand Hammer, New York Yankees owner George Steinbrenner, Democratic Party Chairman Robert Strauss, *Playboy* owner Hugh Hefner, Texas Governor John Connally, financier Robert Vesco, Senator Thomas Dodd, CIA Director Richard Helms, Chrysler Chairman Lee Iacocca, Reverend Sun-Young Moon, and President Gerald Ford had all done before him: He had gone to Edward Bennett Williams.

Williams was not content to be just a great lawyer. He wanted power, and he wanted to be seen as a force for larger ends than the narrow representation of his clients. He was, at least in the beginning, an effective crusader for individual freedom. In the name of civil liberties and protecting the rights of the criminally accused, he helped spark a judicial revolution against unchecked police power in the fifties and sixties. Before anyone else, Williams exposed the illegal acts of the Federal Bureau of Investigation—the wiretapping, break-ins, buggings, and "black-bag jobs"—that were rotting J. Edgar Hoover's empire from within. Behind the scenes, he played a little-known but critical role in revealing and ultimately reining in the abusive power of Richard Nixon's White House. Williams not only urged Ben Bradlee to print the Pentagon Papers, he helped give *The*

Evan Thomas is the Newsweek *Washington bureau chief. This excerpt is from* The Man to See: Edward Bennett Williams—Legendary Trial Lawyer, Ultimate Insider, *to be published this month by Simon and Schuster, copyright 1991.*

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Washington Post editor the courage—and quite possibly, the inside information—to press forward with the newspaper's probe into Watergate when the rest of the establishment press was turning the other way.

Yet having exposed the abuse of power, Williams went on to protect it. Apparently without a second thought, Williams defended the very people exposed by the scandals that he had helped unearth. He defended a half dozen private and public powerbrokers from charges brought by the Watergate special prosecutor. He defended CIA Director Richard Helms against accusations that he had authorized an illegal break-in and lied to Congress. He defended the FBI's top specialist against charges of having performed black-bag jobs. And in the secret councils of the White House, he argued *against* restricting CIA eavesdropping on U.S. citizens.

Williams saw no irony in playing both sides. He was an advocate, and he was intent on winning. If he could expose a scandal and then turn around and get off the people embroiled in it, so much the better. He won both ways. He always had. In the fifties, he had represented communists and fellow travelers before the House Un-American Activities Committee (HUAC), while at the same time he represented the greatest red-baiter of them all, Senator Joe McCarthy. Throughout his career, Williams appeared to be involved in a variety of conflicts of interest. But he believed he could represent everyone's interests at once, and he often succeeded in finding a middle way. Certainly he served his own interests. His individual clients were almost always happy as well. But viewed from a distance of years, Williams's ceaseless maneuvering sometimes seemed to add up to one vast zero-sum game.

Williams would defend anyone, he liked to say, as long as the client gave him total control of the case and paid up front. He would represent mafia dons and pornographers for enormous fees. He would also represent priests, judges, and attractive women in distress for little or nothing. Yet he did not like to represent clients who stood for causes. He thought it was a mistake to mix ideology with law and he worried that political activists would not give him the total control he demanded. He refused to represent Dr. Benjamin Spock and several other antiwar activists indicted for inciting students to burn their draft cards in 1970. "They don't need a lawyer," he scoffed. "They need a toastmaster."

But when necessary, Williams could sound like a true believer. Imploring William F. Buckley to aid in McCarthy's defense in 1954, Williams declared, "We've got to save Joe! It's important to save the country from the communist threat." Buckley recalls that he thought Williams was a "good 100 percent witch hunter." With arched eyebrows, he adds, "and two years later I discovered he was Mr. ACLU." (By 1955, Williams had put some distance between himself and the senator.)

When he had to defend himself, Williams could be very persuasive. *The New York Times*'s Washington bureau chief, Arthur Krock, took a liking to Williams and invited him to dinner one night during the McCarthy censure hearings. Some other prominent reporters were there, and they started in on Williams for defending McCarthy. How could he defend such a terrible man? Williams was tired that night, and a little dour and defensive, recalls columnist Rowland Evans, another guest. After moodily listening to the badgering, he began, "Well, it's a funny thing. A doctor is driving along the road at night, and

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there's a terrible accident. He rushes over. The driver is bloody. The doctor immediately tries to save his life. Or a priest is on a boat and he sees a passenger crushed by a boom. The priest runs over to administer last rites. Neither one of them has asked the character of the victim. But when a lawyer rushes in," Williams looked at his accusers, "this is what happens!" The dinner table quieted. The questioning stopped.

Williams's logic was clever, but a little specious and self-serving. His speech, which became his stock reply to critics, smacks of the debating tricks taught at his alma mater, Holy Cross. Williams was arguing by inapposite analogy. Unlike lawyers who hold themselves out to criminal defendants, the doctor and the priest are not deliberately seeking money by helping the victims they chance upon, nor are they seeking to excuse the criminal acts of their patients/penitents. A priest has a duty to God; he cannot refuse a penitent. A lawyer, however, is not compelled to defend Joe McCarthy. The fact is that lawyers are not required to represent everyone who asks them to, and Williams himself often said so. He had a genuine sense of duty about the right to counsel, but it is fair to say that he was more interested in marketing himself and getting headlines than playing the Good Samaritan. He had little interest in cases that were unexceptional or uninteresting. He wanted cases that were notorious or lucrative—and preferably both.

With friends, Williams was gleeful about his notices. Frank Waldrop, the executive editor of the *Washington Times Herald*, remembers Williams lying, half drunk, on the floor of his house one night. "There are three things in life," Williams said. "Money, power, and public relations. My wife is rich, and I wouldn't know what to do with power, but give me those press clippings!"

By the sixties, Ed Williams's reputation as a trial lawyer was complete. He had nothing further to gain from astonishing victories in the courtroom, and he feared he had much to lose if he failed to live up to his reputation. Moreover, the guiltier the clients, the less sense it made to bring them before a jury. More and more, Williams turned to cutting deals with the prosecutor behind closed doors. This required access, a commodity most prized in Washington by the many seeking favors from the few, and it became increasingly important for Williams to cultivate and win over Washington insiders.

Though he continued to enjoy the company of scoundrels, his craving for respectability, his longing to belong, led him to climb toward loftier circles. In the sixties, Williams's ambition shifted from staging spectacular courtroom upsets to penetrating and then joining the Washington elite. Where once he was satisfied with fame, he now craved power.

Williams was in awe of Clark Clifford—the model of a private lawyer whose access and influence gave him real power. An invitation to Clifford's Christmas buffet was a more accurate indication of clout in the capital than membership in the Chevy Chase Club. Clifford understood that Ed Williams could be useful to him. Clifford preferred not to handle criminal matters, but his clients sometimes came to him clutching grand jury subpoenas. So Clifford began sending them down the street to Williams.

Williams was, in Clifford's estimation, a shrewd judge of character with a knack for solving problems. Increasingly, when Clifford wanted to chew over a difficult question, he gave Williams a call. Clifford flattered Williams: "How's my lawyer?" he would ask in his silky, mellifluous voice. Williams, in turn, shamelessly flattered Clifford. "I'm still young enough in spirit to have living heroes, two of them, and you're one," Williams wrote Clifford in the summer of 1967.

Williams was untroubled by charges of "influence by association." "What are you supposed to do—stop practicing law whenever one of your friends becomes president?" he asked. The idea that one of his friends could become president did not seem remote to Williams. Getting your friends into office and then asking them for favors was the way the world worked—his world anyway.

Flying on the private jet of Phillips Petroleum on the way to handle a case with Clifford in the mid-seventies, Williams gleefully acted out a pantomime of a delegation of Arabs visiting Clifford in his office. Williams, a perfect mimic, imitated Clifford gravely telling the sheiks, "You understand, of course, that I can only get you access." Then Williams imitated the Arabs winking and grinning as they shoved a bag of gold across Clifford's desk. Clifford watched this performance with some distaste. "Now, Ed," he interrupted, "you know it doesn't work that way."

Williams's philosophy of life, he was fond of telling reporters, was "contest living." In life, he said, "every effort is marked down at the end as a win or a loss." One of Williams's bonding rituals with the young lawyers in his firm was to play softball and touch football with them and their families on weekends. Williams was just as competitive about winning these games as he was about winning a court case—and he was a better winner than a loser. Up by four runs in the last inning of a game, Williams pitched to a small boy who hit a grounder to second. The throw to first was just in time, but the umpire called the boy safe anyway. Williams exploded. "The

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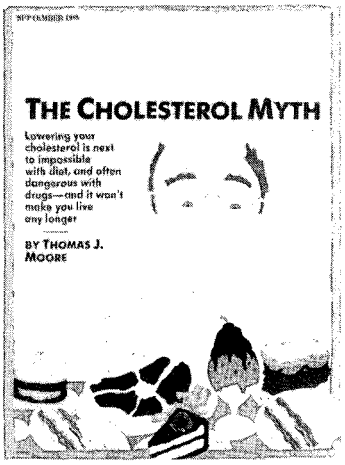

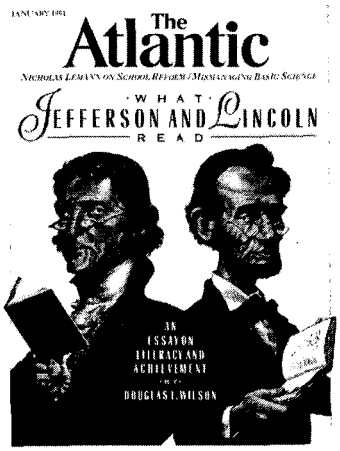

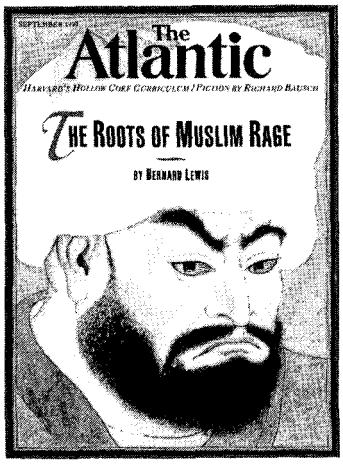

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kid was out! He was *out!*" he ranted. The opposing team went on to score five runs and win. Williams welled up with tears and began to cry like a Little Leaguer who had dropped the game-losing fly ball. His law partners, who were accustomed to his moods, gaped in wonder at the rawness of his emotional drive.

Hartbreaking

His firm was thriving, his team was winning, and his insider status was secure. But Williams had not won a big, highly publicized criminal trial since he had saved Adam Clayton Powell from jail in 1960. His defeat in the Bobby Baker trial in 1967 still gnawed at him. He had made his reputation as a great trial lawyer and he wanted to prove that he hadn't lost his touch, that he could still dazzle the public by successfully defending a notorious client against stiff odds. Watergate was the great legal as well as moral spectacle of the day, but Williams felt excluded from the main arena. He could not very well defend the same Nixon White House he had sued as counsel to the Democratic National Committee. So Williams was left to represent corporate fat cats who had been caught making illegal campaign contributions. The defense work required Williams's skill at manipulating prosecutors, but it was mostly behind the scenes.

John Connally put Williams back on the front page.

Connally's highly publicized trial in the spring of 1975 would reestablish Williams as the nation's preeminent trial lawyer. To his law partners—and to Williams himself—the defense of Connally would be remembered not just as a successful day in court but as a work of art. At the very least, it was a how-to guide for the defense of politicians accused of corruption.

Connally, former secretary of the treasury under Nixon, former governor of Texas, Lyndon Johnson's right-hand man, was not known for humility. The first time the Watergate special prosecutor asked him to testify before the grand jury, he "didn't pay a hell of a lot of attention to it," Connally recalled. The prosecutor was probing political payoffs to the Nixon administration from the milk producers, one of the most generous lobbies in Washington. Had Connally been offered $10,000 by a middleman named Jake Jacobsen to help the milk lobby? Connally dismissed the question. He couldn't recall "a dang thing" about any such conversation. A few months later, however, when he was called again before the grand jury, his memory improved. He had discussed such a contribution with Jacobsen, he conceded, but he swore that he had turned down the money.

The Watergate special prosecutor's office had become omnivorous, but Connally was too busy plotting his own political future to notice. He was on a 36-state speaking tour, a warm-up for a presidential run in 1976, when the grand jury leaks began. Columnist Jack Anderson and Daniel Schorr of CBS reported that Jake Jacobsen was singing to the grand jury, testifying that he had given Connally a $10,000 payoff. It began to dawn on Connally that the relaxed standards common in Texas did not apply in Washington. Watergate had "poisoned the atmosphere," he said.

Williams took Connally's call late on a Friday night in June 1974. "I'm at the Mayflower Hotel," Connally told him. "You've got to come over right *now*." Taking the first subtle step in his minuet of control, Williams told Connally he would see him—the next morning in Williams's office. Accustomed to lawyers who groveled for their clients, Connally did not realize that Williams would insist on reversing the roles. After the briefest consideration, Williams set his fee: $400,000.

On July 19, Connally was indicted for taking a $10,000 illegal gratuity from Jacobsen and then lying to the grand jury about it. Several weeks later, on the day that Richard Nixon succumbed to the Watergate onslaught and resigned as president, Williams accompanied Connally to the federal courthouse, where he was arraigned and fingerprinted. Afterward, the two men sat in Williams's office watching television as Nixon awkwardly waved from his helicopter and flew off into exile and disgrace. "You could feel what everyone in the office was thinking but nobody was saying," said Mike Tigar, the associate who was helping Williams on the case. Had it not been for the milk fund and the aggressive Watergate prosecutor, Connally believed, he would have been sworn in that day as president of the United States. Before the grand jury called him, Connally had fully expected Nixon to ask him to be his vice president, succeeding Spiro Agnew, who had resigned to avoid bribery charges in 1973. Now Connally faced a jail term, and only Williams could save him.

Williams's initial strategy was the same one he invariably employed in major criminal cases: delay. To mute the reverberations of Watergate, Williams wanted to put as much time as possible between Richard Nixon's resignation and Connally's trial. Williams knew that he could not make the case quietly go away by cutting a favorable deal with the prosecutor. His cagey charm was useless with the prosecutor assigned to the case, Frank Tuerkheimer, an upright and wooden law school professor who was wary of his famous opponent. The judge, however, was a more promising target. Frail and slight, with wispy

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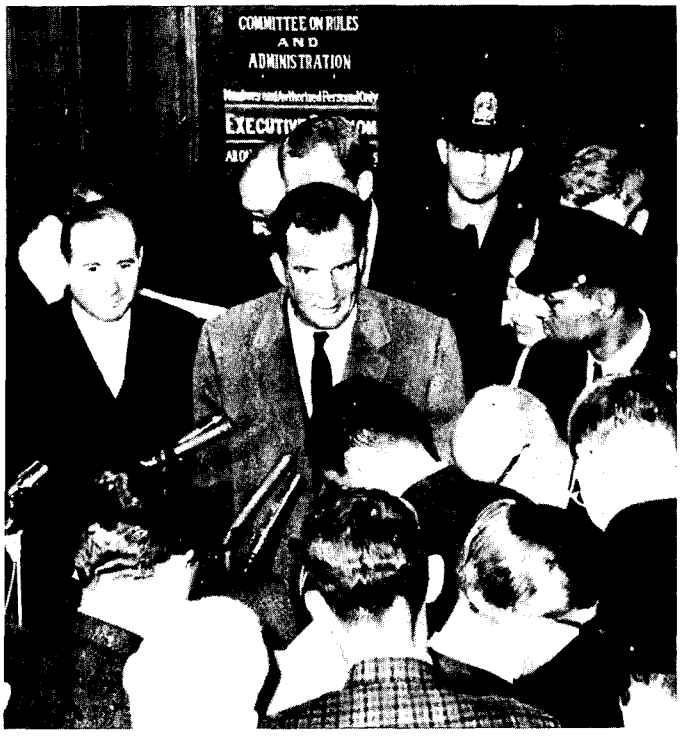
hair, a pinched face, and arthritic hands, Judge George Hart was a Nixon appointee and Republican hard-liner. A few years before, he had sent Williams a friendly note praising him for his pro-law-and-order remarks during a TV interview.

In pretrial conferences, Williams shamelessly played to Hart's prejudices against the press. "I wouldn't talk to these people [reporters], Judge," Williams said at one session in Judge Hart's chambers. "Tell you what I do. I've found the best way not to have a problem is not to talk to them, not to take their calls." Williams asked Hart to impose a gag order on both the prosecution and the defense. "The one person I can't put any restriction on is Connally," said Judge Hart. Williams replied, "He hasn't talked to anybody. *I* put a restriction on him." Warming up to the spirit of press bashing, Judge Hart remarked, "These newspaper reporters . . . ever since *Sullivan* versus *New York Times* . . . have got a license to lie." "That's right," agreed Williams, ignoring, for the moment, his representation of *The Washington Post.*



Edward Bennett Williams with Bobby Baker after Baker's Senate hearing in 1964.

In the fall of 1974 and the winter of 1975, Williams's firm flooded the prosecutors with the usual tide of pretrial motions. Many were simply to buy time, but one was critical. Connally had been indicted for taking the payoff as well as for lying to the grand jury. The prosecutor vigorously argued that the perjury counts should be tried together with the illegal gratuity counts, since the lying was intended to cover up the payoff. It was all part of the same crime. Williams argued that the payoffs and the perjury were separate crimes and should be tried separately.

Despite the restrictive rules of courtroom evidence, the legal precedent was mostly against Williams on the question of severing charges that were as closely intertwined as taking a payoff and then lying about it. Indeed, Williams was vexed to discover that the D.C. federal court case most strongly supporting the prosecutor's position was Judge Oliver Gasch's opinion refusing to sever the tax and fraud counts in the Bobby Baker case.

Nonetheless, in the Connally case, Williams was able to persuade Judge Hart to sever the perjury counts. In the judge's chambers, the prosecutors grumbled that if Connally had been a mafia don, the link between the charges would never have been cut. Tuerkheimer remained bitter about Hart's decision. "Williams's argument was casuistic but beguiling," he said years later. "Hart thought really highly of Williams. He didn't give a shit if he pissed off Frank Tuerkheimer, but he sure wasn't going to alienate Edward Bennett Williams. I've never seen a lawyer interact better with a judge than Williams."

In retrospect, Judge Hart's action may have been decisive. The government had much stronger evidence of Connally lying than taking the payoff. In his second appearance before the grand jury, Connally had flatly contradicted his initial testimony. At first he had said that he never discussed the payoff with Jacobsen; then he had admitted that he had. Here was demonstrable perjury. But as to whether he actually took the payoff—the proof essentially rested on Jacobsen's word against Connally's. And Connally would prove to be a much better witness than Jacobsen.

As he almost always did in a federal case, Williams planned to put Connally on the stand to testify in his own defense. He was determined that Connally would be well prepared—better prepared than Bobby Baker. Williams faced a difficult task. Connally *was* arrogant. He also had left a trail of contradictions in the grand jury room. In order to repair the damage he had done before the grand jury, Connally had to be carefully coached. Because the basic question—Did Connally take the payoff?—boiled down to Connal-

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ly's word against Jacobsen's, Williams did not have to cook up an imaginative new theory of the case, as he did for Jimmy Hoffa, who had been filmed by the FBI taking a bribe. But he did want to make sure that Connally would not get tripped up by small factual inconsistencies. Bobby Baker had been ruined by his petty lies on the stand. Williams was determined that Connally would not suffer from the same sloppiness.

For hours, Williams and his associates worked over Connally in Williams's conference room. (Mike Tigar, with typical mock-heroic swagger, had renamed the blue-walled chamber "the Situation Room" to convey a more warlike atmosphere.) No fact was too small or seemingly insignificant to go unmassaged. Aided by Tigar, who had returned to the firm in 1974 specifically to help on the Connally case, Williams collected every call slip, every phone bill, every bank statement, every scrap of evidence that the prosecutors could possibly use to catch Connally in a lie. In the Situation Room, Williams played prosecutor, setting small traps for the witness. Connally had told the grand jury that he had met with Jacobsen at five o'clock in the afternoon one day at the Sheraton Crest in Austin, Texas. But a hotel waiter had told the prosecutors that he had served Connally and Jacobsen breakfast. Remembering how Bill Bittman had made Bobby Baker squirm by placing him in Las Vegas on a night Baker had said he was in Los Angeles, Williams bore into Connally about this seemingly minor inconsistency. Williams was earthy with Connally. "Remember when that shine came into your hotel room with the poached eggs? Right now that shine has got it—he's got you!" Williams put himself right in Connally's face, demanding an answer. Connally sputtered that he couldn't remember any damn waiter. No! said Williams. You can't just say you don't remember. It will seem like you're being evasive, that you're hiding something. You have to be positive, he told Connally. His client got the message. "Yes, I *do* remember that waiter," the defendant replied, with a pleasant smile. "Such a nice man. You know that, now that I think about it, I do recall. . . ."

Muzzling the millionaire

Williams intentionally tried to provoke Connally, to get him to lash back. At times he used Richard Keeton, a lawyer in Connally's firm, to play prosecutor, asking needling questions that irritated Connally. "Why did you hang around with sleazebags?" Keeton would demand. Jut-jawed and upright, Connally was full of righteous indignation about his predicament. He continued to feel that he was the victim of Watergate morality, that the rules had changed on him after the fact to make criminal what was once merely business as usual—at least in Texas. "To be accused of taking a goddamned $10,000 bribe offended me beyond all reason," Connally later protested. Among cynics in the firm, there was a sneaking suspicion that Connally's indignation stemmed from the fact that he had been indicted for taking such a *small* payoff. The joke around the firm was that if the bribe had been $200,000, Williams would have believed the government, since, in Texas politics, $10,000 was a mere tip.

With rising indignation, Connally demanded that Williams subpoena Nixon's attorney general, John Mitchell, to support him. "No!" Williams insisted. "No Watergate! We don't even want to *mention* Watergate to the jurors. They'll blow up the courthouse." Connally worked himself up into a state. "They have spent five million dollars if they've spent a dime to ruin me! Let them blow up the courthouse!" To defuse the moment, Williams used Tigar as a foil. Tigar, who liked to boast about all the militant radicals he had defended, joked, "You're the second client I've represented who wanted to blow up the courthouse." Williams cracked, "Yeah, but the first one did it before the indictment." All three men had a good chuckle. "Okay," said Williams, "you can look at your family from the stand once during your testimony and say that you would never lie. But that's it. No matter how unjust you think this is, the jury won't. So don't be arrogant."

Not all of the facts facing Connally could be easily explained away. As part of the cover-up, the prosecutors contended, Connally had given the $10,000 back to Jacobsen and told him to put the money away in a safe-deposit box. Jacobsen would then testify that he had been given the money by the milk fund, but when Connally refused to take it, he had put the cash away to be used for someone else's "campaign contribution." But there was a catch, Jacobsen would testify. The first batch of bills that Connally gave him were too new. They came into circulation *after* Jacobsen received $10,000 from the milk producers. Just before the prosecutors were scheduled to open the safe-deposit box to see if the money was there, Connally had hurriedly substituted a new stack of *old* bills. According to Jacobsen, he had moved very fast, finding the money in just a few hours. Naturally, the prosecutors wanted to know where Connally had come up with $10,000 in old bills in such a hurry.

Suspicion centered on a millionaire rancher named Rex Cauble, an old friend and frequent contributor to Connally's past campaigns. Connally's phone records showed a number of calls to Cauble on the day in question. Furthermore, bank and travel records showed Cauble withdrawing $7,500 and flying to

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Houston just as Connally was arriving there. Questioned about the bank draft by prosecutors, Cauble maintained that he had heard a female friend complain that she had never owned a Lincoln Continental. To surprise her, he had bought her a Mark IV. Not believing this tale for a minute, the prosecutors hoped to refresh Cauble's memory and use him as a witness against Connally. "Cauble was potentially dynamite," said Tuerkheimer. But five days before the trial the Texas high-roller suddenly clammed up and refused to cooperate. There wasn't enough time to take him before a grand jury and use the leverage of a perjury indictment. So the prosecution never called him to the stand.

"There are three things in life," Williams said. "Money, power, and public relations."

What had happened? A basic Williams rule was to get as many witnesses as possible under the defense tent. Usually this was accomplished by paying their lawyers (perfectly legal) or at least arranging for their representation. In this case, Williams got his old buddy William Hundley. The former Justice Department lawyer was now a criminal defense lawyer, renting space in Williams's building and taking many of his cases as referrals from his landlord. Hundley was as accommodating as ever. He told Cauble to keep his mouth shut.

Connally was deeply grateful for Cauble's silence. In 1982, Cauble, who had been appointed a Special Texas Ranger by Governor Connally and often declaimed against drugs, was convicted of smuggling 108 tons of marijuana from Mexico. Before Cauble was sentenced to prison, John Connally appeared as a character witness. He described Cauble as "a man . . . who would sacrifice anything for his loyalty to his friends." Some 15 years after the Connally case, Hundley told the author, "Cauble could have sunk Connally. But Ed sent him to me."

A week before the trial, Connally noticed that the jokes had stopped in the Situation Room. Williams's easy camaraderie with his associates, the foolishness with Tigar, had given way to a kind of purposeful gloom. He was in his pretrial trance. To his friends as well he had become increasingly remote. They recognized the symptoms. "He's gone into training for the past eight weeks," Art Buchwald told *Time* magazine. "He's surly, he won't drink, and he won't go to parties. He's miserable."

Trial began on April Fool's Day, 1975. Sitting in the crowded courtroom, writer Larry L. King observed that Williams "appears a little glum, as if maybe his feet hurt, or he'd rather keep his next appointment." Williams was worried about the jury. He had tried to get the venue changed to Texas because, he argued, the massive pretrial publicity had polluted the jury pool. On the street that day, Williams had run into Spiro Agnew, who bluntly told him, "I think you are going to lose. That's not saying anything against your client—I was innocent, too—but I couldn't go to trial before a bunch of black people. They wouldn't have understood." Williams shared Agnew's fears, though never publicly. In the privacy of Judge Hart's chambers, he argued that the mostly black juries of the District of Columbia would not give Connally a fair trial. Hart was not unsympathetic, but he refused to move the case.

Williams liked to scoff at lawyers who tried to choose a jury scientifically. "I take the first 12 in the box," he told reporters. "That was a lot of B.S.," said Tigar. "He carefully chose jurors. But he used his gut. We were looking for jurors who had a stake in the process, who believed in the system." Williams had his own crude demographic rules: Strike Scandinavians (too pro-government) and keep Irish (pro- underdog). But these were in short supply in the District. The real issue was what type of black. He used his preemptory challenges to strike "anyone who looked like a street dude or a revolutionary—anyone who might like to see a rich, white establishment type marched off in chains," observed King.

The remaining pool "looked like they could be found in a choir on Sunday mornings. Aging or aged black ladies, given to decorous dress and fruit hats and random shouts of Amen." King wrote in his notebook, "Williams will not hesitate to quote the Good Book." Williams particularly wanted one black woman who carried a Bible to court every day. He was pleased with the jury foreman, a librarian with a Ph.D. named Dennis O'Toole, who he felt confident would understand the notion of "beyond a reasonable doubt." In order to avoid flaunting Connally's wealth, he bluntly told his client to keep his gaudy, rich Texas friends out of the courtroom. For his part, Williams wore, as always, his shapeless "basic suit."

Williams did his best to play the expectations game. With reporters he went on in his usual way about the awesome power of the government overwhelming his

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frail and lonely client. "Doors open everywhere to the majesty of the government," he intoned. The doomsaying had some effect: The reporters covering the trial had to abandon their pool when everyone predicted a guilty verdict. Columnist William Safire noted that the Watergate prosecutors had won every case they tried before D.C. jurors, who uniformly saw prosecutors as "good guys" and Nixon as "evil." But some shrewd observers saw through Williams's game. *Newsweek* quoted a "long-time colleague" as saying, "Williams wouldn't take the case for himself unless he thought he could win it. If he didn't, he'd give it to some younger guy who needs the money."

The press sized up Williams against his opponent, prosecutor Tuerkheimer, and pronounced a mismatch. A *New York Times* profile gushingly described Williams as a "criminal trial lawyer of the classic mold. . . . In a nation where the criminal trial is a native form of drama, Edward Bennett Williams may be the consummate leading man. He does not raise his voice; he aims it. He does not so much address a jury as woo it." The press noted that Tuerkheimer's most recent trial experience consisted of representing the Sierra Club in environmental cases. Tuerkheimer was brainy (Bronx High School of Science, Columbia, and New York University Law School) but utterly lacking in flair. Reporters called him "The Undertaker" and offered a $5 bounty to the first person to see him smile. *The New York Times* reported that he was once seen raising an eyebrow. Williams arrived in court in his Lincoln Continental. Tuerkheimer rode a bicycle.

After polishing off a pitcher of martinis, Williams leaped to his feet and started throwing punches at the flickering figures on his screen, looking for all the world like he was ready to rip off Jake Jacobsen's head.

Williams seemed oddly subdued when he stood to give his opening statement on April 3. He began by trying to inoculate the jury. "This is *not* a Watergate case," he stated. Connally "did not stonewall it," he said, using the Watergate term to describe Connally's otherwise unavoidable compliance with subpoenas. Williams wanted none of the drama—or stench—of Watergate to attach to the Connally case. Indeed, he was intentionally dull. He rambled on for several hours about milk price supports, baffling the jury and putting reporters to sleep. By being boring, Williams was "brilliant," Tuerkheimer later observed. "He took the sizzle out of the tape."

The "tape"—an essential accoutrement of a Watergate trial—was a recording of Connally beseeching President Nixon to raise price supports for the milk producers. The conversation had been picked up by Nixon's fatal Oval Office tape recorders on March 23, 1971. The tapes threatened Connally by bringing the recently deposed president's whiny voice into the courtroom as the two pols discussed the need to placate the powerful farm lobby.

There was no mention of payoffs on the tapes, however, no "smoking gun"—at least not on the tapes the jury heard. The jury was not allowed to hear a recording of a far more damaging conversation that took place between Connally and the president. After the formal meeting on milk price supports broke up that day in March 1971, Connally had asked to speak privately with Nixon. "It's on my honor to make sure that there's a very substantial amount of oil in Texas that will be at your discretion," the treasury secretary said. "Fine," said Nixon. "This is a cold political deal," Nixon continued. "They're very tough political operators." "And they've got it," Connally said. "They've got it," Nixon agreed. "Mr. President," Connally concluded, "I really think you made the right decision."

Within a few days the dairy lobby had coughed up a pledge of $2 million to Nixon's reelection campaign—and the administration had come out in favor of milk price supports. Before trial, Tuerkheimer had strongly argued that Nixon and Connally were discussing the quid pro quo for the president's support of the milk producers. The words were coded and cryptic, but the meaning was clear in light of what was said before and what happened after. Tuerkheimer translated "oil" as Texas-speak for money. But Williams just as strongly objected to admitting the tape into evidence. The tape was of poor quality and hard to hear. It was confusing and ultimately irrelevant, he said, since any payoffs mentioned were not for Connally but rather for Nixon.

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Once again, Judge Hart sided with Williams. He ruled that the tape was inadmissible.

The prosecution did have some strong circumstantial evidence—bank records supported Jacobsen's account of making and withdrawing deposits of money after his meeting with Connally. But ultimately, the case boiled down to Jacobsen's word that Connally had taken the money. It was necessary, therefore, for Williams to destroy Jacobsen as a witness.

Glove story

In many ways, Jacobsen was just like Bobby Baker, a slick and ubiquitous hanger-on to Lyndon Johnson. He had been a "high-rent valet" for LBJ, picking out the right music to play on the presidential yacht, making sure Johnson's tailor arrived on time. Jacobsen himself was always tanned and carefully groomed. He was honey-voiced, quietly smarmy. "He looks like a guy who has just had his fingernails polished," wrote *The Washington Star*. He wanted to be seen as a Texas wheeler-dealer but he had grown up a poor Jewish boy in New Jersey. His first name was really Emmanuel, but when he moved to Texas he changed his name to E. Jake Jacobsen; "Manny" had become "Jake." In 1973, Jacobsen went bankrupt, unable to pay $12 million in bills. The same year he was charged with defrauding a savings and loan in San Angelo. Faced with up to 35 years in jail, Jacobsen had made a deal: In exchange for leniency, he would testify against John Connally.

The spectators began lining up at 4 a.m. to see Williams cross-examine Jacobsen. Six hundred people—lawyers, law students, Watergate buffs, a smattering of the rich and famous—patiently vied for 90 seats. The press had played the cross-examination as the critical showdown of the trial, if not the most dramatic courtroom confrontation of the decade. "It was supposed to be the great face-off, the cobra versus the mongoose," wrote Mary McGrory in *The Washington Star*.

Williams looked "a little pale and puffy" as he paced the courtroom before Jacobsen took the stand, wrote McGrory. After getting only four hours of sleep a night for weeks, he had succumbed to the flu. Williams was chronically apprehensive before trial, but his partners had never seen him so nervous. He was so preoccupied that when spoken to, he just stared back, lost in thought.

But Williams's anxiety at the prospect of cross-examining Jacobsen was nothing compared to Jacobsen's at being questioned by Williams. A *Texas Monthly* article described the government's star witness "peering warily, cowering almost," his mouth "tightly pinched." Larry King likened Jake to "an astonished lizard." Williams started in by leading Jacobsen to admit that he faced 35 years for fraud and conspiracy in Texas. Hadn't Jacobsen turned on his friends to save himself? Hadn't he even offered evidence against Lyndon Johnson to curry favor with the prosecutors? In a small voice, Jacobsen answered, "No." The courtroom audience stirred at the mention of the former president. Here, surely, came a bombshell from the Great Defender. . . .

But the mention of Lyndon Johnson was the only drama of the day. Williams did not follow up. Rather, he merely read from Jacobsen's copious testimony to the grand jury. "It was Sominex from the spellbinder," wrote McGrory. "Visiting lawyers dozed off, and reporters worked on crossword puzzles hidden in their notebooks."

In fact, Williams was once again dull by design. He did not want to have a confrontational square-off against the government's witness. "There was a tremendous temptation to show off for the press," recalled Brendan Sullivan. "Instead, Ed was a bore. Jake was a terribly dangerous witness. One false step and you're dead. So before the trial, Ed said, 'I'm going to put a bridle on him.'" The "no" Jacobsen gave Williams in response to his question about LBJ was the only negative answer Jacobsen gave Williams in two days of cross-examination. Mostly, Williams asked leading questions, and Jacobsen answered in the affirmative. "It was a study in tedium," Williams later recalled. "Tedium! Because I never let him give me any answer except yes. Yes, yes, yes—all through the cross-examination, I never let him get out of control. I was slowly chipping him to death, and he knew it."

Like every move he made during the trial, Williams's methodical questioning of Jacobsen was aimed at building a foundation for closing argument. Williams had drafted notes for his summation *before* trial. The draft would change during the course of the trial, but it served as a road map to the evidence Williams sought to elicit. Williams disdained cross-examiners he called "truth-seekers—they just shake the Christmas tree and hope something good falls off. Usually more bad stuff comes off than good." Instead, Williams put a bridle on witnesses "so taut that all they can do is follow your lead, answering your questions, yes or no." Like a pointillist painter, Williams was putting small dots on a canvas that would, in the end, paint a devastating portrait of the witness.

Williams's mastery and control can be illustrated by his questioning of Jacobsen on the seemingly insignificant question of the gloves, specifically the rubber gloves—or glove—that Connally wore when he gave Jacobsen $10,000 to put back in his safe-de-

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posit box to conceal the crime. Was the glove beige or yellow? Jacobsen could not recall. It might have been white. Where was the glove?

JACOBSEN: I believe the rubber glove or gloves was on the side of the money, not on top of the money.

Williams pointed out that Jacobsen had testified before the grand jury that Connally wore only one glove. When did he change his mind and decide that Connally might have worn two gloves?

JACOBSEN: Between the time I testified before the grand jury and the time I testified here.

WILLIAMS: (Pause) What was it that changed your recollection?

JACOBSEN: Just the logic of it. . . .

WILLIAMS: (Another pause) It was the logic of it, is that right?

A slight edge of sarcasm had crept into Williams's voice. Yes, replied Jacobsen.

WILLIAMS: Was that because, Mr. Jacobsen, the prosecutors pointed out to you that nobody could count money with one glove on one hand and a big pile?

Having shown that Jacobsen would tailor his testimony to "logic"—or presumably anything—Williams asked Jacobsen to count the $10,000 himself. The jurors—none of whom had ever seen so much cash in their lives—were treated to the sight of a self-confessed bagman sorting through large stacks of cash, in piles of twenties, fifties, and hundreds. The impact was devastating. "Williams made Jake seem like a lowlife, sleazy and slippery," said Dennis O'Toole, the jury foreman.

Williams himself came across as "natural and easy," recalled O'Toole. Williams was always careful to seem low key and affable in the courtroom. He rarely hectored witnesses or showed off, and he saved his histrionics for closing arguments. "He had a human touch," said O'Toole. "His face was mobile, expressions crossed it easily. He didn't seem at all coached."

In fact, of course, Williams was completely rehearsed. He was working 12 hours a day. He ate one meal—a steak at the Palm at 5:30—and headed back home to work some more. He had a drink with his meal but no more—until Thursday night. Judge Hart did not sit on Fridays, so Williams treated Thursday night as "Saturday night," recalled Richard Keeton, the lawyer who had helped prepare Connally. Keeton remembered watching boxing movies with Williams in his basement one Thursday night after trial. After polishing off a pitcher of martinis, Williams leaped to his feet and started throwing punches at the flickering figures on his screen, looking for all the world like he was ready to rip off Jake Jacobsen's head.

Jesus saves

One day during a court recess, Williams found himself standing next to Jacobsen at a row of urinals, a vulnerable place, thinking that he would have to destroy this weak and vain man beside him. He told his children that evening that he lamented this necessity. Any man's character, he said, is fragile.

John Connally came to the stand on April 15, elegantly dressed and coiffed as always, strong-jawed and resolute. As he walked across the courtroom, he looked like "a two-million-dollar shipment of silver," wrote Larry King. Jacobsen had stared down at the floor and mumbled. Connally sat straight up and spoke crisply. Williams led him through a rapid-fire exchange, asking directly if the accusations against him were true. Did he ask Jacobsen for money? "I did not!" Connally declared, his voice ringing across the packed chamber.

Connally was, his biographer James Reston Jr. wrote, "a dream witness: coherent, succinct, immensely impressive. His denial was total and it was spoken unhesitatingly, as if from the heart." In the jury box, Foreman O'Toole believed that his task had been made simple. He had been instructed about the standard of "beyond a reasonable doubt." As O'Toole understood his instructions, he was not to guess at what really happened, but only to consider the evidence presented. It was the difference between truth and legal truth. Whatever the real truth, O'Toole knew when he heard Connally's testimony that he had "reasonable doubts."

Judge Hart would, Williams knew, instruct the jurors that testimony of good character could, by itself, create a reasonable doubt. Williams was eager to sow those doubts by putting on a stunning parade of character witnesses to testify for Connally. One by one, they took the stand: LBJ's widow, Lady Bird Johnson; former Secretary of Defense Robert McNamara; former Secretary of State Dean Rusk; presidential advisors James Rowe and Robert Strauss. They were all Democrats, speaking of "Mr. Roosevelt" and Harry, Jack, and Lyndon. No one ever mentioned Richard Nixon. Particularly effective with the mostly black jury was Congresswoman Barbara Jordan of Texas, whose husky eloquence had helped to impeach Nixon when she served on the House Judiciary Committee in the Watergate summer of 1974. (In 1968, Jordan had responded to Connally's favorite-son presidential candidacy by remarking, "Why that son of a bitch. How does he think he can be anyone's favorite anything?") Jordan agreed to appear as a char-

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acter witness for Connally as a political favor for Democratic Party Chairman Bob Strauss.

Williams had been a little apprehensive about putting on another witness, Reverend Billy Graham. A white preacher and a black jury? A southern baptist? Graham's "a little flaky isn't he?" Williams asked his associates. Didn't he say that Nixon had been brainwashed in Red China?

Williams was still feeling uneasy when Graham, wearing pancake makeup and a rub-on suntan, climbed into the witness box.

"What is your work at the present time, sir?" asked Williams.

"I am an evangelist, preaching the gospel of Jesus Christ all over the world," replied Graham.

From the jury box came a distinctly audible "A-a-men." It was the elderly black lady who had come to the jury voir dire carrying a Bible. Williams had to turn away from the jury to hide his smile. "I thought that 'A-a-men' was a good sign," he later deadpanned to reporters. Eugene McCarthy told Williams, "You ought to put that show on the road. You wouldn't lose a case."

Spoiled victor

Tuerkheimer was a beaten man. His closing argument was apologetic, almost pleading. He asked the jury to "understand that this is not a contest among lawyers. It is your job to determine the facts of the case, not to decide whether Edward Bennett Williams or any of us is a better lawyer. I don't think there'd be much contest on that point. I hope you don't hold any inadequacies on our part against the government or prosecution in this case." The judge had to ask him to use a microphone so the jury could hear him.

Williams dropped his measured tone for summation. He roared and whispered and turned red in the face. He attacked Tuerkheimer: "The prosecution's case is in a shambles! A wreck!" He took a last swipe at Jacobsen: "Sordid, despicable, mendacious, noxious, heinous . . . spewing forth a litany of lies. . . ." He declared, "The words *lie* and *liar* do not flow easily from my lips. They are ugly words. . . ."

He grew solemn: "Have we reached the point in our society where scoundrels can escape their punishment if only they inculpate others? If so we should mark it well. Today it is John Connally. Tomorrow it may be you or me." As he usually did, he quoted from the Bible, likening his cross-examination of Jacobsen to the story of Susanna and the Elders in the Book of Daniel—the "first recorded cross-examination," as he put it. His final plea was straight out of 30 years of closing arguments: "I ask you to lift at last the pain and anguish, the humiliation, the ostracism and suffering, the false accusation, the innuendo, the vilification and slander for John Connally and his family. And if you do, the United States will win the day."

The jury deliberated six hours. The first vote was nine to three to acquit; by day's end, the jury was unanimous.

As Foreman O'Toole read the verdict, Williams grabbed Tigar's leg under the table. "This makes up for the last time," he said in a fierce whisper. The shame of Bobby Baker had been expunged; Williams was, in his own phrase, "numero uno" again. Nellie Connally hugged Williams; her husband thanked the jury and began discussing his political future with reporters.

That night, Williams got gloriously drunk at the victory party, held at Bob Strauss's apartment at the Watergate. Nixon's successor, President Gerald Ford, called to congratulate Connally; then Richard Nixon called. He asked to speak to Williams. "I wish you were my lawyer," he said. "It's too bad you represent the *Post*." Nixon invited Williams to come visit him in exile in San Clemente. Williams thanked him, not pausing to inquire if Nixon had removed his name from the enemies list. Then he hung up and stumbled over to his host, the chairman of the Democratic party.

"Fuck you, Strauss," he said, "I'm representing *Richard Nixon*." To Tigar, he said, "You know, I *should* be Nixon's lawyer." Tigar, still the dissident, responded, "Ed, when was the last time you went out to try a case alone?" It was a few weeks later that Williams made his remarkable assertion that if he had been Nixon's lawyer, he would have advised him to burn the Oval Office tapes on the White House lawn.

Williams's children had never seen him so gleeful, laughing and shouting. "I can't believe it!" he exulted. *People* magazine came out to Williams's stately new house in Potomac and photographed him surrounded by his happy family. The magazine pronounced him "the greatest criminal lawyer of his time" and said that the Connally verdict had put to rest the doubts of "old admirers in the legal fraternity" who had wondered if "he could still win a really Big One." The magazine quoted Thomas "Tommy the Cork" Corcoran on Williams's performances. "Pure opera, boy," said the old fixer.

The inevitable posttrial blues set in after a few days. "At the end of every case like this, I feel I've shortened my life another notch," he told *People*. To other reporters, he hinted that he was thinking of leaving the law. "I'm going to take 60 days to canvass all the options I have open to me," he said. He was thinking of running for the U.S. Senate. □

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TIDBITS & OUTRAGES

THAT'S TWO MORE THAN THE McLAUGHLIN GROUP GOT RIGHT
A recent screening of reruns of "Laugh-In" reveals that among the jokes told on the show in 1969 was one predicting that the Berlin Wall would come down in 1989 and another forecasting that Ronald Reagan would be president from 1980-1988.

OPERATION DESERTED STORE
Last summer, the Army opened a $9.3 million commissary at Fort Devens, Massachusetts, a month after a federal commission decided to shut the base down.

GREAT MOMENTS IN EDUCATION
The medals awarded to junior high school winners of the 1991 Los Angeles public school scholastic competition misspelled the word "academic."

WHO SAYS WE DIDN'T LEARN ANYTHING FROM KUWAIT?
To honor chairmen of the Joint Chiefs of Staff, a Pentagon hallway was recently done over with columns, special lighting, and a photo display, at a cost to the taxpayers of $519,000.

WE DON'T WANT TO KNOW WHAT QUESTION DAN QUAYLE ANSWERED
Veterans' Affairs Secretary Edward Derwinski recently recalled that the first conversation he ever had with George Bush occurred when Bush asked him where the men's room was and Derwinski pointed it out. Derwinski added, "That's how you get to the Cabinet."

AT UNIVERSITY HOSPITAL, WE GUARANTEE THAT WE'LL PUT THE RIGHT HEART IN AFTER WE RIP YOURS OUT—OR YOUR OPERATION IS ABSOLUTELY FREE
Doctors at University Hospital in Portland, Oregon, accidentally began transplanting the wrong heart into a patient and didn't discover the mistake until several hours into the operation. As a result, a second transplant of a different heart had to be performed later. A hospital executive announced that the patient would not be charged for either operation.

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Empire of the Son

How George Bush rewrote the book on the imperial presidency

by James David Barber

Time magazine asked the question with a cover story marking the anniversary of the Iraqi invasion of Kuwait: WAS IT WORTH IT? By any meaningful standard, the answer is no. There was no true liberation of Kuwait, no restoration of human rights in the region, no toppling of Saddam Hussein, no peacemaking, no strengthened nuclear security. The United States, which George Bush famously promised would become "a kinder, gentler nation," killed tens of thousands of people, sent forth disease and starvation, and triggered and then permitted massive murder and torture by the enemy.

But this debate over the outcome of Operation Desert Storm, though welcome at long last, has obscured one of the most important long-term costs of the war, incurred even before the first bombs hit the ground on the night of January 16: the damage to democracy, which is supposed to govern American war-making and all other policy. Bush has established a precedent for future American presidents, acting alone, to enter major wars.

To be sure, other presidents stepped beyond their constitutional authority to launch adventures abroad. But none ever approached the scale achieved by Bush, who, by drawing on his predecessors' examples, has created a model for an American monarchy—the rule by one—in the conduct of foreign policy.

That Bush has done so, given his character and beliefs, should come as no major surprise. Bush was thought of early on as a wimp, a latter-day Warren G. Harding who would swing along with the people around him. Not so. Considered in light of his life's important turning points, Bush's Iraqi adventure was predictable. As he declared in accepting the

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Republican presidential nomination, "I am a man who sees life in terms of missions"—missions that have tended to be driven less by specific goals than by a vague quest for adventure and self-reliance. Bush embarked on his first mission, he says, when he left on his eighteenth birthday to serve as the youngest Navy pilot in World War II. In so doing, Bush ignored the objections of both his parents—and not incidentally escaped his longstanding fear of his father and the interference of his mother. He once explained his decision to go like this: "I had a very powerful father. . . . Very much of a leader and admired by everybody, and I didn't want to do something on his, I had a kind of a, not a competitive thing with him, but I wanted to go out and do something on my own."

The second mission came after Bush graduated from Yale. Dismissing his father's efforts to land him a Wall Street sinecure, he struck out in 1948 for West Texas (albeit with his family's financial backing): "I had a soft job on Wall Street all set, but I wanted to do something"—that phrase again—"on my own." The third revealing assertion of will came in 1975, when Gerald Ford offered Bush, at the time chairman of the Republican National Committee, the ambassadorship to either France or England. Bush asked for China. Again, his reasons seemed personal but vague. According to him, "The best future we could imagine was one that took us as far as possible from the immediate past. . . . We'd come to a decision much like the one we made in 1948."

Studying this background against a model I had used to examine previous presidents, I described Bush in *The New York Times*, before he was inaugurated, this way:

> His character is active-positive, a pattern that means he is ready to learn, to change, to develop in office, as distinct from the fixated types, such as Richard Nixon and Lyndon Johnson. . . . The pattern strongly suggests that Bush sees himself as enlivened and inspired by a mission into a new, different, distant, unknown land. Could he move out into the real world and take on the challenge of forging peace and justice, not in the failed Reagan manner but in a new and different way? Given Bush's past, that is conceivable. He is not stuck with consistency.
>
> On the other hand, Bush's hunger for mission could carry us all over the brink of disaster. . . . The ultimate danger is war. That was Bush's first big mission. The inevitable frustration Reagan's left-over debt imposes on any domestic programs could make him angry. So could the natural desire of the press to avoid being spun as it was before and thus to criticize him as weak.
>
> Congressional Democrats may well stand tall against his administration's recommendations . . . . Turning to a military cause, even beyond the dimension of the Grenada invasion that Bush helped orchestrate, is always going to be a temptation for this president.

In the fall of 1990, the Bush budget was getting creamed in Congress. The president's popularity ratings were sagging amid headlines like "Bush Wavers" that recalled the wimp image. And so, thanks to Bush's long-suppressed autocratic tendencies, a weak-kneed response from Congress, and cheerleading from the press, war came.

Madisonian hypocrisy

Although it may be tricky to divine the Founders' intent regarding an issue like the regulation of cable television, no such confusion exists when it comes to the question of war—a public policy dilemma with which they were richly familiar. They were unequivocal about where warmaking power should reside. At the Constitutional Convention, one delegate put forth a proposal "for vesting the power in the president" to make war. No other member backed him up. James Madison stated that "executive powers . . . do not include the rights of war and peace." George Mason was clearly opposed to "giving power of war to the executive because [he is] not to be trusted with it." James Wilson, a leading figure, said of the Constitution, "This system will not hurry us into war; it is calculated to guard us against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress." The Americans had explicitly rejected the British system, under which the sovereign had free reign in foreign policy, including military matters. In contrast, George Washington followed the direction of Congress throughout the Revolutionary War and on into his presidency. Yes, over the years, complexities did grow in the law, but the basic principle remains clear. When it comes to war, the policy of the United States is to be decided by debate and decree by congressmen, representing the people. Only then is the policy to be executed by the president.

Many presidents have abused that principle—and benefitted politically from doing so. The exceptions to this rule are those presidents who failed to win quick battles. Lyndon Johnson entered the Vietnam war by means of a fairy tale that the U.S. had been attacked in the Gulf of Tonkin. Congress hastily wrote him a blank check, resolving that "the Congress approves and supports the determination of the president, as commander in chief, to take all nec-

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essary measures to repel any armed attack against the forces of the United States and to prevent further aggression." Eventually Johnson decided not to run again, in part because of the stain of the drawn-out conflict. Similarly, while Jimmy Carter's expedition to Iran may have been brief, it was an unmistakable disaster, and he too paid dearly. But where the military action was over swiftly and the president could establish at least the appearance of success —as Reagan did in Libya and Grenada, and even Ford did with the *Mayaguez*—the ends, in the public's mind, justified the extralegal means. Thus a president gained by breaking his oath of office, in which he promised to "preserve, protect, and defend the Constitution of the United States." Bush's innovation was to massively escalate the size of his unconstitutional deployments, to take no chances that the conflict wouldn't be short and sweet.

Like King George III contemplating his colonies, Bush increasingly described his emotions as though the country's actions turned upon him alone:

I want peace.
I will continue to be patient.
Consider me provoked.
I've had it.

Bush applied this new formula first in Panama and then in Iraq. As reported by Bob Woodward in *The Commanders*, Secretary of Defense Dick Cheney expressed the cynicism underlying the strategy most baldly: "He felt strongly that if the use of force turned out to be successful, if the objectives were achieved at the lowest possible cost and casualty levels, it wouldn't matter what kind of debate or vote there had been in Congress."

The warrior king

Rather than merely propose a policy and try to rally the country to it, Bush determined what that policy would be, then convinced—by means that included deceit and bribery—the public and our allies to go along. He sent an enormous military force overseas, committed the U.S. to military alliances with other nations, and set a deadline for the biggest American assault since World War II—all before there was any policy determination by Congress.

On August 3, 1990, Bush said "We are not discussing intervention," though he phoned the king of Saudi Arabia to say that he would stand by the Saudis militarily. Congress adjourned for its usual month-long vacation, but it left behind a committee to confer with the president and to call a special session should the need arise. Although Secretary of State James Baker declared his conviction that the president could make the decision to attack without consultation at all, at the time no one really thought a massive deployment, much less an American assault, was remotely possible. As the *Los Angeles Times* editorialized, "Hundreds of thousands of American fighting men are not going to be put into the ferociously hostile environment of Saudi Arabia. That won't happen because Congress would never approve such a commitment." But by August 19, some observers were beginning to perceive the staggering outlines of Bush's policy. "In only 15 days," wrote Michael Wines in *The New York Times*, "while Congress was scattered on summer recess and much of official Washington was on vacation, senior Bush administration officials have committed the United States to its broadest and most hazardous overseas military venture since the Vietnam war." Senator Joe Biden was shocked. "This is a big, big deal. . . . I never contemplated talk of 250,000 troops," he said, calling for "not only some consultation, but some extensive debate."

Bush, however, continued to reassure the public about his intentions. He went on TV to tell the American people:

> I want to be clear about what we are doing and why. America does not seek conflict, nor do we seek to chart the destiny of other nations. But America will stand by her friends. *The mission of our troops is wholly defensive.* Hopefully, they will not be needed long. *They will not initiate hostilities, but they will defend themselves, the kingdom of Saudi Arabia, and other friends in the Persian Gulf.*

That line was echoed by the small group of men that served as Bush's war council. On August 29, on "Nightline," Cheney declared: "Well, again we'll come back to the proposition that our dispositions in the region are defensive. We're there to deter and to defend. . . . [B]ut we're not there in an offensive capacity, we're not there threatening Iraq."

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Both men came on clear as a bell. And both men lied. They had been planning for the possibility of an American attack from the very first meeting called at Camp David to discuss the Iraqi invasion. But Bush kept his cards close to his vest. As November approached and plans for what would become Operation Desert Storm began to jell, Bush ordered that they be kept secret, deliberately seeking to prevent the war from becoming an issue of debate in the coming elections. Heaven forbid the American people should have the opportunity to vote up or down on sending their troops into battle.

If there is a single lesson that the historical experience of monarchy teaches, it is that, even in the best case, a good king with good luck sets the stage for the opposite.

Two days after the elections, Bush ordered 200,000 more men to Saudi Arabia and dispatched Baker to the UN to secure support for an American attack. Without any consultation with Congress, Baker proceeded to line up backing for the president's objectives by any means necessary. The United Nations was paid $187 million and China $140 million; the Soviet Union got a promise of $7 billion, and millions more went to Saudi Arabia, Colombia, and Egypt. In other words, the notion that the UN Security Council fell in behind the U.S. simply because of the overpowering righteousness of our cause just isn't true. It did so because of a series of international commitments made not by the U.S., but by one unelected official, the secretary of state, reporting only to the president.

While he was dispensing favors to foreign dignitaries, Bush showed no such solicitude toward the representatives of the American people. Sam Nunn, chairman of the Senate Armed Services Committee, learned of the new deployment only one hour before the plans became public. Bush continued to try to downplay the possibility of an American attack—a difficult balancing act, since he was attempting to calm the American people and scare Saddam Hussein at the same time. He reassured congressional leaders on November 14 that "I have not crossed any Rubicon," urging them not to call a special session unless they planned to vote to support him. Such a blank check did not appear to be forthcoming. Robert Dole, the Senate minority leader, declared that restoring the emir of Kuwait to power was not "worth one American life, as far as I'm concerned." But, although Nunn held hearings at which retired general after former secretary of defense after retired general argued for economic sanctions, not war, Congress, perhaps snowed by Bush, perhaps too chicken to assert its authority, failed to meet and decide. Many congressmen began to object by letters and speeches as they saw thousands of Americans protesting the war. But no plain and simple meeting of the people's representatives took up the question until the final hours.

Which left the field entirely to the president. Day after day, the question of whether we would have war or peace focused increasingly on the thoughts and feelings of George Bush. The result was a bewildering series of reversals that seemed to correspond more to the president's mood swings than to any coherent policy. On December 16, Bush announced on television that U.S. action so far had left Saddam Hussein "still unconvinced." Two days later, he noted that "my gut says he will get out of there." At the beginning of the new year, he declared that he alone would decide for or against war, no matter what the Congress or the public had to say. Like King George III contemplating his colonies, Bush increasingly described his emotions as though the country's actions turned upon him alone:

I want peace.
I will continue to be patient.
I will not say exactly what I will do.
Consider me provoked.
I'm not all that hopeful.
I want Congress on board.
I want 'em all home, as soon as possible.
I don't feel we are close to a peaceful solution.
I do not have that much of a feel.
I've had it.

In the past, Bush held back from imperial pronouncements. His habit was to delete the first person pronoun, giving rise to those choppy, subjectless sentences so beloved by comedians. When, as a boy, he occasionally bragged about himself, his mother would scold him, just as she did during his run for the presidency: "You're talking about yourself too much, George." By the time of the Iraqi campaign, however, President George Bush was no longer his mother's little boy. He was a man on a mission, doing something on his own—even if he still wasn't sure what the long-term goal was.

And at long last, the UN-specified deadline was bearing down. On January 6, Bush discussed with

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Cheney the possibility of finally bringing Congress into the game. Cheney opposed the idea since he felt there was a good chance Congress would reject Bush's policy. But the point was moot: The next day, Speaker Tom Foley announced that the House of Representatives would debate a resolution on the use of force in the Persian Gulf. Unfortunately, the debate itself was moot. By the time Congress convened, the talks in Geneva had failed, and the president and his advisers had decided on war. The notion that war was inevitable hung over the entire so-called debate—really a series of speeches before television cameras and empty galleries. Even Sam Nunn, the leader of the forces opposed to war, limply conceded during his otherwise brilliant speech, "I expect I will not be on the prevailing side." By then, opposing the president could seem only unpatriotic and cowardly. As historian Garry Wills observed, "The personalizing of this matter as support for the president, as if that were support for the nation, is indicative of the loss we have undergone of our original ideals. We are being asked to do the king's will."

As Bush prepared to dispatch bombers over Iraq and Kuwait, he came before the American people and made a strong, false claim: "As a democracy, we've debated this issue openly and in good faith, and as president I have held extensive consultation with Congress." There followed more than a month of bombing before American tanks started rolling north. One hundred hours after the ground war started, Bush suddenly ordered a cease-fire—a decision that caught even his own field commanders off guard. The Gulf war was over, as it had begun, by official proclamation of George Bush.

Spoils of war

Back in 1788, Patrick Henry thought he could see it all coming:

> Your president could easily become king. . . . If your American chief be a man of ambition and abilities, how easy is it for him to render himself absolute! The army is in his hands, and if he be a man of address, it will be attached to him. . . . Away with your president! We shall have a king: The army will salute him monarch . . . and what have you to oppose this force? What will then become of you and your rights? Will not absolute despotism ensue?

War can kill democracy. This could happen in the United States. The danger is real when a president takes over national policy, trashing government by consent of the governed instead of turning to Congress to decide policy in advance of action. That is the perilous example Bush has set: Use swift, decisive force, even in violation of the Constitution, and you will profit politically. Thanks to Bush's precedent, his successors will inherit both a strategy for political mastery and the power to enact it, power far beyond what this democracy ever intended, power for the president to move worldwide with death-dealing force on his own initiative. If there is a single lesson that the historical experience of monarchy teaches, it is that, even in the best case, a good king with good luck sets the stage for the opposite. As domestic irritations like bank failures and urban crime continue to mount and as trouble flares in faraway lands like Georgia, India, and Mozambique, a future president will feel free to dispatch hundreds of thousands of fighting men to pacify the natives and to boost his own popularity ratings at home.

Of all the bitter lessons we've harvested from the war in the Gulf, that one may prove the most tragic. But despair won't help. To revive democracy, we must exert a strong political effort to stop monarchy, and to commit this nation to the form of government we honor when we salute the flag: to the *republic* for which it stands. □

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THE PEACE CORPS MANUAL REVISION PROCESS

Steps in the Revision Process:

One — Responsible Office identifies need for change in Manual Section and contacts Planning and Policy Analysis (PPA).

Two — PPA works with Responsible Office to create Briefing Paper describing proposed revisions.

Three — PPA sends announcement of Policy Revision Review Meeting and Briefing Paper to Affected Offices.

Four — Affected Offices present prepared comments on proposed revisions at Policy Revision Review Meeting.

Five — PPA prepares Summary of Comments from the Policy Revision Review Meeting.

Six — PPA sends Summary of Comments, Briefing Paper and Decision Memo to ADs, COS and General Counsel.

Seven — PPA sends Decision Memo for approval of Briefing Paper to Director with Summary of Comments and Senior Staff's Decision Memos.

Eight — PPA revises Manual Section for approval by Responsible Office.

Nine — PPA sends Clearance Memo with revised Manual Section to ADs, COS and General Counsel.

Ten — PPA sends Transmittal Letter for final approval of revised Manual Section to Director with Senior Staff's Clearance Memos.

Eleven — PPA manages reproduction and distribution of revised Manual Section.

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How Congress Won the War in the Gulf

It gave Schwarzkopf his secret weapon

by Katherine Boo

On January 20, 1991, as George Bush informed the nation in his State of the Union address that our military would prevail in the Gulf war, the TV cameras trained in on four particularly solemn members of the audience: the military's service chiefs, all gravity and ribbon. The president's assurances ride on these shoulders, the cameras seemed to coo. At first, that thought seemed comforting. Then it seemed absolutely astounding.

What the hell are these guys doing gussied up in the president's claque? There's a *war* on, for God's sake. Shouldn't they be rumpled and ready in the Pentagon war room, wired on coffee, blinded by VDTs, pinpointing enemy strongholds in the desert?

Not anymore, they shouldn't—and, mercifully, they can't. During the Gulf war, for the first time, the chiefs of the Army, Navy, Air Force, and Marines had been effectively banished from the prosecution of a major war, thanks to a little-appreciated, five-year-old law called the Goldwater-Nichols Defense Reorganization Act. On this night, as 2,600 air sorties obliterated column after column of Iraqi tanks, the chiefs may well have been grateful that they had something interesting to do with their time.

You've probably never heard of it, and the Pentagon's probably glad you haven't, but Goldwater-Nichols helped ensure that this war had less interservice infighting, less deadly bureaucracy, fewer needless casualties, and more military cohesion than any major operation in decades. Bitterly opposed by the Department of Defense, condemned as "unpatriotic" by most service chiefs, virtually ignored by

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the press (its passage earned four paragraphs on a back page of *The New York Times*), this technocratic reform measure shifted control of military operations from four competing Washington bureaucracies—the freewheeling services—to the chairman of the Joint Chiefs of Staff (JCS) and a single, independent field commander. If the details of Goldwater-Nichols are arcane, their effects were gloriously apparent in the Gulf. For the first time in 45 years, Congress—*Congress*—managed to neutralize parochial interests and increase strategic efficiency in one of the most entrenched and self-serving bureaucracies in America.

Armed and dangerous

Among military men, there's a word for people who look beyond their own particular service to the needs of the broader military: "purple"—a blend of military colors. At the Pentagon, it isn't always a compliment. While other militaries—British, Canadian, Israeli, German—have long assigned priority to interservice cooperation, American warfare since the Spanish-American war, when the Navy and Army squabbled all the way to Santiago, has been marked by a startling degree of service autonomy. In Korea in 1953, the Air Force virtually abandoned a Marine division encircled by a mass of Chinese troops at the Chosin Reservoir; the terrified Americans escaped only after Marine pilots subverted Air Force commanders and came to their aid. In Vietnam, the services ran *five* autonomous air wars and only one major joint operation. During the invasion of Grenada, commander James Metcalf—the Schwarzkopf of the Caribbean—spent most of the conflict tied up on the phone, pleading with the Army and Navy to, hey, help me out a little.

That sort of military free-agency was precisely what the creation of a permanent JCS in 1947 was supposed to remedy: Four or five high officers appointed by their individual services would meet weekly to synthesize service views and mitigate bias before presenting military advice to the president. The chairmanship would rotate regularly—fairly—among the chiefs. But in creating an institution intended to promote purple, Congress simultaneously ensured the JCS's powerlessness by refusing its chairman decisionmaking power and leaving his appointment—and thus his loyalty—to his service. The result: a JCS that for decades transformed the execution of war into an all-service spoils system, topped by fractured, competing chains of command. In his autobiography, five-star General Omar Bradley looked back on a career of wars, international crises, and run-ins with Patton and MacArthur and located his life's most frustrating moments in chairing the power struggles that passed for meetings of the JCS.

Goldwater-Nichols's intent—and its stunning accomplishment—was to drain the military's bureaucratic swamp. Today, the service chiefs direct the training, organizing, and equipping of their men—the management side. When it comes to fighting, they step back and let a unified commander in the field, advised by a newly empowered JCS chair, run the show: a simple idea with critical strategic ramifications.

By moving the strategizing out of the four service bureaucracies to central command posts in Washington and the field, the new system gave the president, for the first time since 1947, confidence that the military operations suggested by the JCS chairman, Colin Powell, were not a political compromise but a strategy. Correspondingly, unified commander Norman Schwarzkopf had the unique freedom in the field to use the services, not "equitably," but sensibly. A career Army man, Schwarzkopf could fend off pressure from his own service and run the war almost exclusively from the air. Powell could set the timing of that air war over the vehement objections of the Air Force chief of staff. And together, under extreme heat, they could deny the amphibious landing coveted by the Marines—a glamorous enterprise that might have left thousands dead.

Still, Goldwater-Nichols's greatest contribution was not what it prevented, but what it promoted: four services that worked better together than they had at any time in the past 45 years. The execution was far from perfect—23 percent of American fatalities were caused by friendly fire, an indicator of the coordinating work that remains—but the new power structure allowed, with a minimum of memos and meetings, the decisive execution of an exceedingly complex operation. "Goldwater-Nichols wasn't just *a* factor," says Lawrence Korb of The Brookings Institution, who has studied military operations in and out of the Pentagon for the past 20 years. "It was one of the primary contributing factors to our success."

There is no little irony in talking of "success" in the Gulf, of course. Saddam is still in power, Kuwait is vindictive as well as devastated, and 100,000 Iraqis are still quite dead. But the Gulf operation's political miscalculations and dubious moral foundation shouldn't obscure what went right militarily, or who made it happen. At a time of increasing skepticism about Congress's ability to grapple with issues of national defense—and a wildly inflated faith in the military wisdom of the executive branch—Goldwater-Nichols testifies to the legislative branch's ability to take on a bureaucracy that the White House hesitates

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to touch. By elevating international safety over service politics, Congress helped the military win the Gulf war—a fact crucial to recognize now, not for the sake of praising Congress, but for the cause of broader military reform.

Simper fi

In 1948, a year after the JCS was created, General Eisenhower sat down at his desk and vented bitterly to his diary. "Some of our [service chiefs] are forgetting that they have a commander in chief. They must be reminded of this, in terms of direct, unequivocal language. If this is not done soon, someday we're going to have a blow-up." Ike was right, but early. It took that literal blow-up—the aborted hostage rescue in Iran 32 years later—to grease the gears of legislative reform.

"This is the first time since 1945 that a military commander had the power to resist the Marines' desire for an amphibious assault," says one defense official. "This war, we had no Gallipoli."

The seeds of the 1980 Desert One disaster were sown months before helicopters alighted in the desert, when the Army, Air Force, Navy, and Marines each insisted on a piece of the action. Though the burgeoning plan called for Marine helicopters to fly from Navy ships to join Army commandos delivered by Air Force planes, interservice rivalry and obsession with intraservice secrecy had the "teams" practicing on private playing fields, even on opposite coasts. No arrangements were made for radio communication among the service commanders. A full rehearsal was never conducted. Some of the men from the nine units cobbled together for the mission had never seen each other before that April night. But they knew enough not to trust the "cooperating" services. The Marines, thrown in even though Air Force pilots were better trained, were still struggling after six months of practice to get their side of the operation together. During one practice landing, their helicopters, supposedly in tight formation, landed more than a mile apart. Still, JCS Chair David Jones knew replacing the weak Marines with Air Force guys would offend the Chief Naval Officer, Jones's equal on the committee and the Marine's parent chief. The mission proceeded apace.

In the middle of the enterprise, when three of Desert One's eight helicopters were damaged and dozens of commandos were milling around the desert wondering what to do next, field commanders used their satellite gear to ring up Jones. "Should we press on or go back?" they asked. "I'm not authorized to say anything," responded the nation's chief military advisor; he needed the consensus of the other chiefs. By the end of the benighted operation, a Marine helicopter had sliced into a fuel-laden transport plane and eight men had burned to death.

Desert One grimly illustrated how service politics can drive military operations to disaster—a possibility Congress had blithely dismissed in the afterglow of World War II. The watershed National Security Act of 1947, which established the Department of Defense, fostered the public illusion of unity—all the services under one tent. But in actuality, it institutionalized nostalgia for the ad hoc, intensely personal arrangements that worked so well in that "good" war. As congressional leaders had observed regularly during the conflict, a charismatic commander—an Eisenhower, a Bradley—could gain control over the services without a copy of a legislative act in his pocket. And after Hitler, who wanted a hyperintegrated general staff? But in the second half of the century, leaving service unity to the idiosyncrasies of personality made less and less military or political sense. As weapons range and speed increased, warning times shrank; the development of sophisticated nuclear weaponry demanded strict accountability and keen political oversight. "We must free ourselves of emotional attachments to service systems of an era that is no more," Eisenhower warned again in 1958, creating "unified commanders" with nominal control over all the services in wartime. But the service chiefs' power was not so easily abated. While the division of forces still rested on the maxim that armies walk, navies sail, air forces fly, and marines wade, by the seventies each service had not only its own air component, but its own commandos, its own dictionary, and its own missiles. And each also had its own true-blue rep on the JCS advocating further autonomy.

If military-advice-by-committee wasn't limiting enough, the JCS was also hamstrung by its built-in conflict of interest. Each chief—including the chair—was an active member of his respective ser-

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vice, a service that was *semper vigilis* for signs of betrayal. Too much purple, it was understood, could get you ejected from office. Thus the president's primary source of military advice was both hopelessly slow—all decisions were the result of protracted negotiation—and militarily suspect, a double-whammy that led civilian leaders as far back as Dean Acheson to dismiss the chiefs as insipid little old ladies. But Acheson at least kept up the courtesy of asking for counsel. In the Kennedy administration, the JCS discovered the military plan for the Bay of Pigs only by accident, long after the decision to invade Cuba had been made.

The unified commanders often found themselves equally impotent. In Vietnam, when the Marines refused to support the Army with their air component, unified commander Ole Sharp, marooned in his Hawaii headquarters, could only pick up the phone and plead. All through the eighties, the only authority other unified commanders really had over the service chiefs—their superiors in rank—was the power of persuasion, a power that sometimes proved tragically inadequate. Several months before the October 23, 1983, bombing of the Marine Corps barracks in Beirut, the unified commander over Lebanon grew skeptical of the security there—one Marine armed with an unloaded gun who sat outside a wooden gatehouse. The commander offered to send a security team over to help toughen things up, but Marine officials at the base, fully comprehending his limited authority, turned him down. No one would tell the Marines how to run security, thank you. Ironically, the security specialists came to Lebanon anyway, to inspect the new American embassy five miles away. (The old embassy had already been obliterated in a terrorist attack.) A few months later, the barracks was gone, 241 sleeping Marines blown to bits.

Bureaucrazy

"As in Vietnam," wrote military reformer Edward Luttwak, "the people involved are so absorbed in the internal labyrinth of competing military bureaucracies that they scarcely notice the external reality beyond their offices in Washington"—realities like kamikazes in trucks. The cure for such fatal self-absorption was no mystery: the creation of a strong, centralized leadership as a counterweight to the powerful chiefs. But it took the Desert One fiasco to convince Rep. Bill Nichols, an obscure Alabama Democrat who sat on the House Armed Services Committee, to pick up where Eisenhower had folded two decades before. Smart legislation, Nichols contended in 1981, would link the JCS chair to the president, not to a territorial military. Finally, he would be able to speak to the president who appointed him as an unfettered commander instead of as the mouthpiece of a committee. Concurrently, argued Nichols, a unified field commander would have authority not just over the services, but, in times of crisis, even over the JCS.

As congressional moderates from Nunn to Aspin to Mitchell quickly fathomed—and as a few warhorses like Senator Barry Goldwater already understood—Nichols's formulation made military sense. But the political opposition was formidable. After all, the psychological and financial stability of the military branches had always depended on their individual authority and autonomy. Intense service tribalism has had distasteful results in times of crisis—in Grenada, Army helicopters carrying the wounded were forbidden to land on ships because the pilots hadn't been taught Navy landing techniques; several of the injured died. At recruitment time and budget time, however, exaggerating differences pays off.

The roots of military opposition to Goldwater-Nichols undoubtedly lay in service pride and fiscal prejudice, but the public arguments against reform ran differently: Congress shouldn't intervene in military affairs, and besides, things are basically okay. Any necessary fine tuning should come from the services' own "internal discipline," as retired Lt. General Bernard Trainor put it—or, to use Defense Secretary Cap Weinberger's lively lexicon, from "the management initiatives undertaken within the current statutory framework."

Indeed, the defense secretary had long held the power to make most of the reforms that Goldwater-Nichols required; waiting for in-house changes promised to be as rewarding as waiting for a peace dividend. Yet even when JCS Chair David Jones and Army Chief of Staff Shy Meyer came out firmly, traitorously, in favor of reform in 1982 (just as both prepared to retire), the services and defense stood their ground, backed by key members of the Armed Services Committee—John Warner, Jeremiah Denton, John Glenn—who had longstanding personal ties to the services. Nichols, who'd lost a leg in World War II, was told by one service chief, "You are destroying the military of the United States, sir." In *The Washington Post*, Navy chief John Lehman exhumed the 40-year-old argument that more service unity would turn the Pentagon into a hotbed of Prussians.

By 1985, after 22 hearings and hundreds of pounds of testimony, staff reports, and military studies—the bulk of which pointed urgently toward reform—the armed services committees were thoroughly deadlocked. Had there not been a swan song by the retiring Goldwater, all the "antimilitary" blus-

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ter of the opponents might've prevailed. But Goldwater, a retired Air Force Reserves general, laid out enough patriotic pabulum to win over even the service loyalists. "This may be the last piece of legislation that I will have the honor to offer for consideration by the Senate," he said just before the vote in 1986. "If it is, I will have no regrets. . . . After I have departed from the Senate, I will rest assured knowing that the course has been set for a more secure future for my beloved country."

Goldwater's treacly lobby—assisted by the timely discovery of $1,200 toilet seats and $800 ashtrays—recast the terms of the debate from antimilitary interventionism to good old American common sense. And then came the devastating details of Grenada. A Marine air strike hit an Army command post because coordinates on Marine maps didn't match the Army's. A payload meant for a fort accidentally blew up a mental hospital—the result of, oops, another map discrepancy. The evidence of interservice chaos was finally so incontrovertible that even the loyal service lackeys couldn't stonewall. By the fall of 1986, five years after the first hearings on reform, the opposition had folded. In all of Congress, there were only four "no" votes.

The new unity naturally took some getting used to. A year after Goldwater-Nichols, during the Kuwaiti tanker reflagging effort, one admiral so impeded the unified commander's naval operations that the admiral was forced to turn in his stars. If service chiefs refused to relinquish power even in small missions, despaired congressional leaders, how would Goldwater-Nichols play out in a *real* war?

Purple pros

On the evening of January 16, 1991, 22 minutes before H-Hour, Air Force special operations Pave Low helicopters crossed into Iraq trailed by a flight of Army Apache helicopters, destroying key Iraqi radars and creating an air corridor for the following Coalition forces. The first foray of Operation Desert Storm was, fittingly, a joint operation. Behind the scenes, purple planning had been under way for months.

The earliest public hint that Goldwater-Nichols was working came five months before the first bomb plummeted, with the firing of Michael Dugan, Air Force chief of staff. As the papers played it, Dugan's primary offense was the leaking of confidential information; in a classic case of interservice gamesmanship, he had bragged about the superior efficacy of air power. But Dugan had breached protocol, too. According to notes slipped to Bob Woodward, what really peeved Defense Secretary Dick Cheney and Powell was not *what* Dugan said, but that he said anything at all. Dugan was playing by pre-Goldwater-Nichols rules. His firing signaled to the other service chiefs that the new order really did leave them out.

It was about time: Convoluted chains of command have been strangling American military effectiveness as least as far back as Pearl Harbor. Even simple operations were papered—sometimes literally—to death. During Vietnam, making the decision to raid a prisoner-of-war camp at Son Tay in 1970 took seven months and dozens of briefings and official approvals. By the time the raid was launched, the prisoners had been gone for months. In the case of the Marines in Beirut, the chain of command looped from Washington to Norfolk to Belgium to Stuttgart to Naples to London to Gaeta to a ship off Beirut and, finally, ashore, to one luckless Colonel Geraghty; to this day, the military has not resolved who in this cast of commanders was to blame for all those bodies.

"[I]f you are going to make me responsible," the Libya mission's unified commander, General Bernard Rogers, once snapped, "you have got to give me the authority and you have got to let me run the show without other people short-circuiting me and telling my troops how to do it. And if I screw it up, then it's my fault." In the Gulf, finally, that's how it worked—a clean line from Bush and Cheney, through Powell, to Schwarzkopf, with little of the micromanagement bred by competing authority. Thanks in part to the stability of the command structure, one of the few times the direct line from the White House to Schwarzkopf was used was to consult on the time of the cease-fire.

Bush stood back because he could. Under Goldwater-Nichols, his chief military advisor had been transformed from peripheral to pivotal—at least after the decision to deploy. Powell was effectively cut out of the critical decision to begin the Desert Shield buildup, but once the commitment had been made, it was he who argued successfully against destroying all six bridges to Baghdad—two would suffice—predicting that stranding and slaughtering so many soldiers would make the Americans look like bullies. In the old days, such advice could have been transmitted only in a hailstorm of interservice memoranda and command-level compromises. This time around, Powell could advise and troubleshoot with positively un-Pentagonish efficiency.

As Desert Storm began, fluorescent panels marking allied equipment were the U.S. troops' primary— to use the Defense Department term—"antifratricide device." But days into the conflict, it became apparent that those panels, dulled by mud and grime, were woefully insufficient. By February 6, review-

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ing several cases in which ground forces were fired on by Coalition aircraft or ground battalions, Powell's staff decided that a new device was required. So they consulted with the services and the scientists, quickly decided on a skyward-pointing beacon visible for five miles through night goggles, and rushed it into R&D. Twenty days later, the brand new light had not only been developed, it was gleaming in the field.

While Powell instructed, Schwarzkopf conducted the day-to-day war operation—and thus became the true beneficiary of Goldwater-Nichols. The commander, who had himself been bombed by Air Force B-52s in the interservice confusion of Vietnam, could resist Navy clamoring for a bigger role. He could run his touted Hail Mary despite the annoyance of the Marines and the Army, who sought a more direct confrontation. And he—unlike his hapless predecessors—could construct and preside over several true "joint operations," the most stunning of which was perhaps the least sexy: the logistics.

In the midst of the Vietnam war, war zone commanders desperately requiring food, bullets, and body bags often had to place separate orders with three stateside bureaucracies—the Army offices that handled rail transport, the Air Force offices that handled air, and the Navy offices that handled ships—while their men hunkered down and prayed. In Desert Shield, a single transportation command center handled the job of moving 500,000 troops and six million tons of equipment from a dead start. Though the logistics wizards had little warning, lifts were in short supply, and the material proved far heavier than Pentagon officials anticipated—major ingredients of a disaster—the joint effort transpired without a single serious mishap. Lt. General Gus Pagonis, who organized the supply operation, credited Goldwater-Nichols with letting him get the job done—making him one of the few military leaders who will, five years after their political defeat, publicly acknowledge the usefulness of the act. Further down the ranks, credit flows more freely. "Before Goldwater-Nichols, we'd have tried to do it in the same manner, but it would have happened in a much less organized way," says Air Force Colonel John Hoffman, who worked with the Army in carrying out the airlift. "This is the first time I've called it a joint effort."

For better or worse, a war followed that sensational buildup—one that again proved the progress made since Vietnam. "When I was flying from Thailand into Laos," remembers one Air Force flier, "we hadn't the slightest idea what the Navy was doing. We just hoped we never ran into them." In Desert Storm, by contrast, Schwarzkopf's air commander, Air Force Lt. General Charles Horner, wrote an all-service script for more than 1,000 sorties a day, arranging everything from altitudes to targets to payload for each of the services. And as Horner conducted, the services sang. Navy and Marine pilots worked in concert to destroy Iraq's integrated air defense system and command and control infrastructure. Air Force F-15s and Navy F-14s helped the Marines provide combat air patrol and mine sweeps. Another Air Force-Marine-Navy amalgam jammed enemy radar installations and then attacked them with antiradiation missiles.

Not every Pentagon denizen was complacent about the unity of control. At one point during the mapping out of the air campaign, *Newsweek* reported, Air Force headquarters sent a liaison officer out from the Pentagon to get an independent look at what was going on. In the spirit of Goldwater-Nichols, field commanders dubbed him "the Pentagon spy" and barred the doors. When other Air Force staffers called the planning center in Riyadh in search of information, they were directed, to their frustration, back to the office of the Joint Chiefs of Staff.

The Navy's slipped disks

Despite these striking manifestations of the new order, it sometimes became apparent that the military hadn't prepared very far ahead for Goldwater-Nichols. Take Horner's phone book-sized daily schedule of air attacks. The plan was to modem the script nightly to each service so it could prepare for its role. But the Navy's computer system—devised to suit the Navy's, and only the Navy's, needs—was incompatible. So instead of zapping the schedule electronically across the Gulf, Horner's staff had to construct a 1991 version of the Pony Express. Every single night of the air war, they ferried the information on floppy disk from Riyadh to the command aircraft carrier in the Red Sea and the Persian Gulf. From there, copies were freighted by helicopter to the Navy's other carriers and ships. What should've taken moments took hours and vast quantities of manpower. By the end, the Department of Defense itself conceded, this tiny technical snafu actually curbed the responsiveness of the Navy in the air war.

Nor was every field commander giddy at the service-sacrifice implied by the newly unified command. In fact, the new order chafed even Horner himself, who early on had to trade in his Air Force blues for purple on the subject of the A10 antitank plane—a phenomenon that suggests the fiscal possibilities of Goldwater-Nichols. As service chiefs have understood since World War II, if you want to get

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more money out of Congress to build more of your favorite planes, you must use more of them during war. Thus chiefs tend to favor their most expensive, controversial weapons in warfare, even when less glamorous ones will suffice. So when Schwarzkopf ordered up a slew of yeoman-like A10s, the Air Force cringed. The A10 boasts no radar, no night vision, no all-weather gear, no wild-blue-yonder panache—all of which shows up on the bottom line: The A10 costs a tenth of the price of sleeker weapons like the F15E antitank aircraft. As the Air Force understood, heavy, successful use of A10s—a plane it plans to take out of service altogether in the next few years—could wreak havoc on the budget request. Horner didn't want to bring it, but Schwarzkopf gave the order. The planes did in most of the tanks killed in the desert. Over the next few years, the A10's success may end up saving taxpayers millions of dollars in unnecessary antitank confections.

Still, in warfare, some things matter more than money. Perhaps the most crucial display of Goldwater-Nichols's power occurred when Schwarzkopf forbade the Marines to mount an amphibious assault on Kuwait. The Marine commandant, Al Gray, wanted to send hovercraft and helicopters through the Gulf's mine-ridden waters and onto the beachhead. When Schwarzkopf told him no, Gray tried an end run, going to Powell. Before Goldwater-Nichols, the service chief probably would've had his way. "This is the first time since 1945 that a military commander had the power to resist the Marines' desire for an amphibious assault," says one defense official. "The result was that in this war, we had no Gallipoli. We got out without major loss of life." Most of the Marines spent the Gulf war in supply ships lolling on the Gulf—pissed off, certainly, but alive.

Mail bonding

Above all, said Napoleon, give me generals who are lucky. And in this war, luck of a sort—five months to build up, a skittish and poorly trained opponent—stacked the deck gloriously in our favor. Yet for all the false confidence bred by those accommodations, the Gulf war has done at least one good thing for the American military: created more momentum toward cooperation than 20 years of congressional nagging ever could have. Miraculously, a joint dictionary has materialized; in bases across the country, joint-ops training is becoming a legitimate part of the program. But what does Nebraskan Reggie Chapman, an Army reservist in the Gulf, think of all this new and vaunted cohesion? "I hardly saw anyone from outside the Army," he shrugs. "There was almost no interaction. I mean, I know people who had brothers in the Marines, wives in different services—and they couldn't even get a hold of them because there were different mail systems."

Painting the military a deeper shade of purple will obviously take more than just good legislation and wartime application. It demands long-term commitment to a relationship the services have only just begun. Yet this war brought even a few diehard traditionalists around. "You're never going to have precisely the same time, the same circumstances as we did in the Gulf," says just-retired Army Chief Carl Vuono, who has no great love for Goldwater-Nichols. "But I think we learned a lesson there. I have no doubt that the joint cooperation is going to heat up."

Although military leaders prefer to leave it unspoken, the Gulf taught another, even more vital lesson—about Congress. This year, when the president gave his war whoop and the heat was on, a cowardly legislative branch surrendered its role as guardian of national defense. But in 1986, under political pressure, that body accomplished a landmark reorganization that 40 years of executive branch temporizing had failed to obtain. Five years later, it's probably too much to expect the military bureaucracy and the White House to finally be grateful to Congress for the "intervention" of Goldwater-Nichols. But the history of the Gulf war shows they should be. □

MEMORANDUM

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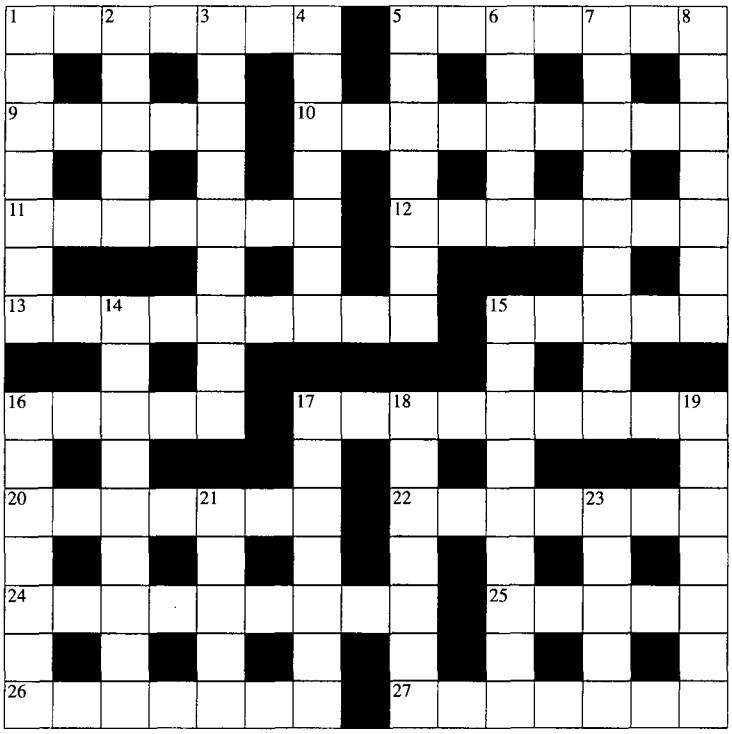
POLITICAL PUZZLE

by John Barclay

The numbers indicate the number of letters and words, e.g. (2,3) means a two-letter word followed by a three-letter word. Groups of letters, e.g. USA, are treated as one word.



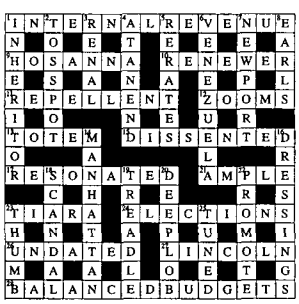
ACROSS

1. See bids unravelling, too. (7)
5. Taco air dispelled for developing country. (7)
9. Lady fliers' harvest. (5)
10. Vanishing species cost around $2000 and 1/4 of U.S. (9)
11. Chain promotes "Lean Mac." (7)
12. Supposedly eternal glass broken with ease. (7)
13. Unfavorable economic atmosphere speeds red overthrow. (9)
15. Lots of fathers miss home runs . . . (5)
16. . . . with these making tally. (5)
17. Dream need changed and moved indirectly. (9)
20. Learn about Bay State organization and macho type. (4, 3)
22. Surprising U.N. spurt just happens. (5, 2)
24. To aim it in another direction could be false. (9)
25. About 12:00, Oz character becomes radio character. (5)
26. Canceled requirement about gun. (7)
27. First surface sanded roughly brings bad news. (7)

DOWN

1. Trade expanded fast around September 1 to round number. (7)
2. Back a harsh expression. (5)
3. Pretty definite about 100 and still falling short. (9)
4. Cusses about comic ending for hit play. (7)
5. What one must do and can do artfully outside museum limits. (7)
6. United in kinky love producing new life form. (5)
7. Abortion measure neat before bum steer. (9)
8. Eliot follows new state direction and gives testimony. (7)
14. Tousled cap fringe for starters. (9)
15. Editor draftee assigned in union. (9)
16. Connery houses baseball figure from Eastern Europe. (7)
17. Damn ink spilled around us all. (7)
18. Waits for former monopoly goals. (7)
19. Arranges funny yodels about first pioneer. (7)
21. Misplaced name tag initial had significance. (5)
23. Intelligence from three directions. (5)

Answers to last month's puzzle:



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Blind Data

Why the life's gone out of the government's vital statistics

by David Hamilton

Among the millions of documents spewed forth each year by the federal government is a glossy, 692-page tome from the Department of Health and Human Services (HHS) called *Healthy People 2000: National Health Promotion and Disease Prevention Objectives*. The document lists hundreds of laudable health care goals for the coming millennium, such as reducing deaths from work-related injuries to 4 per 100,000 workers, or limiting HIV infections to no more than 800 per 100,000 people. Trouble is, the department doesn't say how it intends to get there from here. And even if the department's officials did have a plan, they couldn't possibly put it into effect—since by their own admission, they can't even guess at the size of one quarter of the problems they have nevertheless promised to address, and for a full two thirds lack the data to figure out if they are helping matters or making them worse.

For instance, the department wants to reduce drug-abuse-related emergency room visits by 20 percent over the next nine years. Great idea. But how many such visits are there now? The department doesn't know. Nor does it know the number of adolescent suicide attempts (which the department wants to reduce by 15 percent) or the percentage of pediatricians who screen children for developmental problems (the goal: 80 percent) or the number of people with "inappropriately stored" weapons (*Healthy People 2000* will cut that number, whatever it is, by 20 percent).

If it all sounds to you a bit like another episode of "Yes, Minister," bear in mind that the numbers those bureaucrats are merrily tossing about represent real people: teenagers shutting themselves in a New Jersey garage to

David Hamilton is a reporter for Science. *Research assistance was provided by Jennifer Bradley.*

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drink in carbon monoxide, or a four-year-old Bronx boy shooting himself dead with his daddy's pistol. You'd think these are the sorts of problems Uncle Sam would be keeping his eye on. But then again, if he were, we'd all be able to tell when he wasn't doing anything to address them. Of course, statistics can't tell you everything about tragedies like these. But without numbers to give them some sense of direction and accountability, as the empty promises of *Healthy People 2000* amply demonstrate, the government programs that might prevent such tragedies simply won't get anywhere.

In fact, it's a telling demonstration of the power of statistics that when they do exist, they can be more dangerous than when they don't. It's like the difference between having no bridge and having a bridge that drivers don't realize is about to collapse. If you pick apart any federal number, you'll probably find that it's derived from faulty assumptions or incomplete data, which means we are basing all sorts of decisions on lies. For instance, according to a recent story in *The New York Times Magazine*, the Food and Drug Administration (FDA) reports that it rejects 27 percent of all inspected seafood as spoiled or contaminated—a measure that suggests it's doing a thorough job of protecting consumers. So, feeling safe and sound, we cheerfully indulge in kippers for breakfast, tuna for lunch, sushi for supper . . . until we read the fine print and learn that the FDA inspects no more than 2 to 4 percent of the total catch, presumably allowing large quantities of rotten fish to slip through.

Counted out

But maybe you never expected much from HHS in the first place, and maybe you don't like seafood. Missing or misleading statistics are hurting you anyway. The figures generated by the federal government's $1.9 billion statistics-collecting enterprise make their way into every nook and cranny of the government, from entitlement programs to law enforcement to trade policy—not to mention private businesses, local and regional economic planning, private health care administration, and magazine pieces like this one. Name an organized activity at random, and chances are good that it depends in some fashion or another on federal numbers. So wouldn't it make sense to keep the system in sharp working order?

Sure it would. Unfortunately, no one's been at the switch for at least a decade—and in some cases, far longer. If someone had been, perhaps we wouldn't have witnessed missteps like these:

➤Consider a single mother of two in Washington who scrubs floors and empties wastebaskets in gleaming office towers for $5.10 an hour. Guess what? She's not officially considered poor, despite the fact that she has to raise two kids on barely $10,600 a year in one of the most expensive cities in the nation. Now, that alone doesn't keep her from receiving all federal assistance, since the poverty line is so badly calculated that Congress has instructed most federal welfare programs to set their eligibility levels a third above it. But there are glaring exceptions to this policy, such as Medicaid, which is typically available only to those whose incomes fall far below the poverty line.

Why does such a widely cited figure bear so little relation to reality? Because no one is paying attention to how it's calculated. Back in the sixties, Molly Orshansky—an obscure Social Security Administration statistician who has probably had a greater impact on federal welfare policy than most U.S. congressmen—looked up a decade-old study that said poor families generally spent one third of their income on food, multiplied the cost of a minimum annual food supply by three, and—presto!—created the poverty line. Since 1969, the Census Bureau hasn't even calculated Orshansky's figure anew, instead simply adjusting the previous year's figure for inflation. Of course, such crude assumptions aren't even close anymore; these days a poor family typically spends only one sixth of its income on food, as other expenses like rent and utilities have taken a larger and larger bite. Patricia Ruggles, an Urban Institute economist, estimates that a more realistic measure might raise the current poverty line by 50 percent—a change that, with the stroke of a pen, would boost the national poverty rate from 13 to 25 percent. Of course, those poor people exist no matter what the numbers say. But the numbers help determine whether and how the federal government tries to help them, and, at a more profound level, how Americans feel about the state of their society: Wouldn't it shock you to learn that one in four Americans is poor?

➤The Centers for Disease Control (CDC) determine how many people have died of AIDS by examining mortality data and adding up the number of patients for whom HIV or AIDS was the "underlying cause" of death. But as a team of CDC researchers reported in the *Journal of the American Medical Association* last year, this conservative definition probably understates the true size of the epidemic. The problem is that, although the CDC maintains what is known as a "surveillance definition" of AIDS—a list that includes a number of opportunistic infections almost always associated with HIV infection, such as *Pneumocystic carinii* pneumonia or Kaposi's sarcoma—it does not use that information in calculating

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its aggregate AIDS death figures. When the researchers conducting the *JAMA* study counted deaths due to these infections in their sample, HIV-related mortality jumped by 28 percent. If that figure held up within the population as a whole, the number of deaths due to AIDS—23,300 in 1990—would be about 6,500 people higher.

➤Until recently, Republicans enjoyed boasting about how their economic policies brought about 92 months of uninterrupted growth—what George Bush used to call "the longest peacetime expansion in history." There's just one problem: It never happened. A little-noticed 1988 revision in the GNP figures for the second quarter of 1986 turned a quarter of healthy growth into one in which the GNP actually *fell*. A less dramatic, but still serious, revision affected the last quarter of 1984, when an initial estimate of a 4.3 percent growth rate dove to an anemic 0.6 percent. The hidden weakness of the economy did more than bolster Republican political fortunes: Data collected by the National Association of Business Economists (NABE) suggests that before the Bureau of Economic Analysis (BEA) lowered its initial 1989 GNP growth figures by an average of 1.2 percent, or roughly $60 billion, the Federal Reserve was misled into holding down the growth of the money supply, thus choking off an expansion of credit that might have produced higher growth and possibly even helped avert the recent recession.

➤Legislative redistricting is already under way, predicated on the preliminary figures produced by the 1990 census—the one that missed about 2.1 percent of the entire country and more than 5 percent of the black and Hispanic population. Still to come is the redistribution of nearly $30 billion in federal "revenue sharing" that goes to the states based upon population. But neither congressional seats nor federal funds will be distributed according to the nation's true population, because last month Commerce Secretary Robert Mosbacher decided not to adjust the flawed tally. While Mosbacher claimed his decision was based on the scientific uncertainty of the adjustment procedure—an expert panel convened by the Commerce Department split evenly on the question—hopes of helping the Republican party seem a more probable explanation, especially if you consider the arguments advanced by Mosbacher's chief statistician, Barbara Bryant. Prior to Mosbacher's decision, Bryant, the director of the Census Bureau, noted that "statistical adjustment, while far from a perfect procedure, will on average increase the accuracy of the 1990 census. . . . [N]ot adjusting would be denying that these 5 million persons exist. That denial would be a greater inaccuracy than any inaccuracies that adjustment may introduce." But denial, as Mosbacher went on to prove, is what right-wing number-crunching is all about.

Stat of the union

Since it's impossible to measure how much bad data is out there (they just don't keep statistics on this), no one really knows what this wealth of misinformation costs the United States. Studies such as one conducted by the Office of Technology Assessment in 1989 have concluded that "the cost of a poorly run government program may be many times higher than the cost of improvements to statistical agencies. Unlike other government purchases that can be postponed, statistics cannot be turned on and off—once a gap is created it cannot be easily eliminated." And that doesn't even begin to account for the fortune in lost business opportunities, misdirected health care, and misguided economic policies.

The root of all these holes, inconsistencies, and outright contradictions is clear: Statistics aren't considered important enough to warrant sustained attention and support. Just look at the numbers. Since the early eighties, statistical agencies have been starved of money and personnel—from 1980 to 1988, the six major statistical agencies in the federal government lost 13 percent of their constant-dollar funding and more than 10 percent of their staff, leading to sharp drops in the level of data collection and analysis. Even now, after some growth in these budgets in the late eighties, the federal statistical budget is no more than 1 percent higher in real terms than it was in 1980—a rate that amounts to a shrinkage of the total statistical effort against the growth of the nation's population. Since so much of this information collection is essentially invisible, the cutbacks provoked no anguished outcries from lobbyists or letter-writing campaigns to Congress. "You can squeeze the statistical system a lot without apparent damage," says Norman Bradburn, director of the National Center for Opinion Research and a professor at the University of Chicago. "It isn't the kind of thing that rises up and hits you in the face."

Except for every now and then. Last year's budget negotiators, for instance, discovered what a statistical fog they were operating in when the five-year deficit projections were suddenly revised upward by *$100 billion*—all because the guesses BEA had made about unavailable salary and wage data turned out to be grossly wrong. Once again, bad data almost wound up being worse than no information at all, simply because no one had any idea there could be anything wrong with it. Such "imputations"—the estimates an agency will make when it lacks hard data—hide the informational vacuum at the heart of many important economic statistics.

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But lack of resources alone can't explain why so many federal statistics bear so little relation to reality. Beyond the issue of funding, the diffuse nature of the information collection system breeds wasteful duplication, interagency rivalry, and gaps in statistical coverage. In 1984, for instance, deregulators succeeded in abolishing the Civil Aviation Board, which oversaw the airlines, and scaled back the Interstate Commerce Commission, which regulated the railroads and trucking. Both moves were hailed as great victories for the consumer, but somehow no one anticipated that regulatory data formerly collected by the two agencies would no longer be available to the BEA for income and product accounts that, among other things, help determine the GNP measure. Although other agencies have since begun collecting the information themselves, it took years for them to pick up the slack.

Go figure

Such obstacles are hardly insurmountable. An office with a broad perspective on the statistical system could iron them out, right? Well, sure. And such an office exists, at least in name. Buried deep within the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB) sits the office of statistical policy—the entity charged with coordinating all 70-plus statistical agencies. But if you were expecting a muscular operation to handle all these weighty responsibilities, think again. Although the office had more than 40 employees in the late seventies, it now has 5.

There are signs that the Bush administration is beginning to wake up to the crisis in the statistical system. Earlier this year, Michael Boskin, chairman of the Council of Economic Advisors, announced a plan to increase funding of several major statistical agencies by $30 million in order to improve the collection and analysis of information like inflation rates, productivity statistics, and trade between firms in various industries (a competitive statistic that the Japanese currently measure better than the Americans). That's a good start. But the new initiative does little to correct the glaring deficiencies in health, poverty, and demographic statistics—information on subjects that can affect the nation's economic health every bit as much as the trade deficit or the size of the money supply. In fact, Boskin did propose to increase spending on poverty statistics last year, but there's no mention of it in the current proposal.

The Boskin initiative also completely overlooks the structural weaknesses of the data collection effort. Granted, it's not an easy problem to solve. But it doesn't take much imagination to realize that seriously beefing up the office of statistical policy could yield some major results. Moving it out of the lower levels of the OMB swamp and into a position where its director would report directly to the OMB director would have several advantages, not the least of which would be to make a single person accountable for the statistical system. Furthermore, by enhancing the stature of the nation's statistical advocate, such a move would provide him the clout to nudge agencies into closer coordination, to convince Congress to align the different legislative mandates of the various agencies, and in general to fight the hard battles for accurate and timely information that simply aren't being fought today.

An even more audacious plan would be to abolish the crazy quilt of federal statistical agencies altogether by merging them into a single office. And Boskin wouldn't have to travel far to find a good model. "Statistics Canada is a perfect example of an agency run on centralized data," says a Census Bureau official who requested anonymity. StatCan, as it's informally known, is a $294-million behemoth that collects information on everything from health to demographics to crime to epidemiology. It not only carries out a population count every five years, in contrast to the decennial U.S. census, it turns around economic data such as trade figures much faster than comparable American agencies. Although it's true that you can't compare the Canadian and American models directly—Canada, after all, has only one tenth the population of the U.S.—the proof of StatCan's efficiency is demonstrated by those who use its information. U.S. companies, for instance, frequently use StatCan data to figure out the dollar volume of goods exported to Canada by each state. Such information is also available from the BEA—but it's generally at least five and a half years out of date.

Like the physical infrastructure, the statistical infrastructure can suffer neglect for only so long before it begins to take a heavy toll on the country. When American companies don't have access to the kinds of data foreign firms rely on, they are that much less able to compete. And when a flimsy statistical bridge gives way, as did the absurd accounting methods regulators used to monitor the savings and loans, it can suck an awful lot of unsuspecting Americans down with it. Who knows—with real reforms, the wheel-spinning bureaucrats at HHS might have enough information to make the next *Healthy People 2000* somewhat less ludicrous than its predecessor. And the rest of us might have enough information to hold them to their promises. And then the federal bureaucracy might begin to get some real work done, by the numbers—the correct ones, that is. □

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Socialized Medicine Now—Without the Wait

So what if the Canadian health care system isn't perfect? Let's fix it—and bring it home.

by Nancy Watzman

By now, you've seen a million stories on the Canadian health care system, and perhaps even read a few. If so, you've discovered that they all apply the same formula. First, like a slap in the face, comes the horror story: In Orange County, California, a woman goes into business for herself, giving up her health insurance—and discovers she has breast cancer. She takes to selling flowers from her garden in a desperate effort to keep up with her bills. Next come the terrifying statistics: Americans spend more than $750 billion—or nearly 14 percent of the GNP—on health care each year. If costs continue to rise at current rates, they'll eat up 37 percent of the GNP by 2030. Yet 28 percent of U.S. citizens lack basic health care; 35 million are uninsured—and nearly two thirds of them have jobs.

Now the emergency is clear, and the stage is set for a hero. But as he comes into focus, our savior looks a lot less like a chiseled Mountie on a galloping steed than a . . . "Worthwhile Canadian Initiative," to borrow the inspirational title for a Most Boring Headline contest in *The New Republic* a few years back. The stories, you see, are carefully "balanced." On the plus side, they point out that "our neighbors to the north" spend only 9 percent of their GNP on a tax-financed national health program, yet everybody is covered, from the wealthiest businesswoman to the poorest, unemployed IV-drug user. Then comes the downside: Canadians must wait longer than Americans do for high-tech treatments such as coronary bypasses, MRIs, CAT scans, and even cancer treatments. It appears to be a trade-off, conclude *The Washington Post*, *The New York Times*, *The Miami Herald*, and

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Walter Cronkite. Who can say, they shrug, which system is better? Will America ever reform its health care system, and will Canada be the model? One thing is certain: Only time will tell.

Hey! How about a little American initiative? If our system's broke—as everyone from Physicians for a National Health Program to the Heritage Foundation agrees—let's fix it. That means choosing the best model we've got—the Canadian system—and eliminating the bugs. After all, the Canadians don't have to give us a blueprint, just a beginning.

Despite the utopian claims of universal health care advocates, the problems with the Canadian system are real. Making it right for us will take hard work and, above all, brutal honesty about its flaws. But the end result will be advanced, humane medical care for all Americans. That it will also be billions of dollars cheaper than the jury-rigged, inequitable system we've got now—well, that's just added incentive to do the right thing.

Wealth care

On New York City's Park Avenue, doctors understand the subtleties of putting together a practice. The artwork is understated but expensive, the *New Yorker*s uncreased and up-to-date. The nurse is as gentle as a Swedish masseuse, the gown as ample as your backside. And the doctor, one of the best in his field, gives you his undivided attention for an hour.

At $200 a visit, this is American medicine at its best. For the worst, walk 30 blocks uptown, to the "Medicaid mills" of Harlem. These "doctors' offices," which actually boast no doctors except on the requisite city licenses, serve thousands of New York's poorest people. A recent *Washington Post* story described the care provided at one such institution: A clerk collects a patient's Medicaid card, scribbles out an Rx, and sends him on his way. Given this sham service, why do dozens of people pass through these revolving doors every day? Because many doctors in the city refuse to accept patients on Medicaid.

Now head northwest to the village of Tofino in the Pacific Rim region of Canada's Vancouver Island—one of the few places on earth that harbors more eagles than people. It also harbors the only hospital in 100 miles: a low-slung green building with one doctor, one nurse, one ambulance, one helipad, and nine clean yellow rooms. Inside tonight are an elder of the Ucluelets, an impoverished fishing tribe located several miles away; two injured loggers; and one affluent, 30-year-old ecotourist who escaped from Vancouver to hike the coast and promptly broke his leg. His starchy wife sits, reading Barry Lopez's *Arctic Dreams*, by the bed.

Universal access like this is the chief rationale for the Canadian system: Instead of some Americans receiving miserable treatment or none at all while others enjoy the best in the world, all would be taken care of. The rub is that universal access also means *equal* access—that all Americans will meet somewhere in the medical middle, sharing the same waiting room, the same doctor, the same equipment, the same quality of care. That leveling effect is wonderful if you're among the millions of Americans without insurance. It may not be so wonderful if you are accustomed to the Park Avenue touch.

But if you are, you're in a class virtually by yourself. Only 10 percent of Americans approve of their health care system. Meanwhile, according to a recent Harvard study, *56 percent* of Canadians approve of theirs. That shouldn't be surprising, since all Canadians enjoy not just access to health care but choice about whom they're going to see to get it.

Opponents of "socialized medicine" always trot out the British system as the prime example of how state control can lead to consumer misery. And they're right—but only because the Brits made the mistake of depriving patients of any say over who peers in their ears, prods their stomachs, or cuts them open. Canadians can make an appointment with any doctor they choose. And what those doctors do for them is clearly working. Canadians are much healthier than Americans. They're less likely to die as babies or from surgical complications, and they live longer.

Mary Lou and Robert Dunn of Brampton, Ontario, have alternated medical crises through the years. Twenty years ago, she was in a car accident that left "the windshield with an imprint of my face." She had nine operations to fix multiple fractures and rebuild her nose, lips, and eyes. Robert's medical history includes one operation for hemorrhoids and several for his back. He's about to go in for an operation on his shoulder. Quality of care? The Dunns' praise is unqualified. Waiting time for an appointment? Just the other day, when they both woke up sick, "I called our doctor at about 9:30 a.m. and she said 'Come right on in, I have an opening in 15 minutes,'" says Mary Lou.

Even by south-of-the-border standards, that's good service. But it gets better. In all those operations, through vaccines and infections and a dozen bouts of flu, the Dunns have never seen a hospital bill. The only money they ever hand over for health care is what goes to the government in taxes—and, believe it or not, it's less than what it costs to supply the average American with health care. According to *Consumer Reports*, a Canadian who earns the equivalent of $26,000 pays about $1,300 for health care.

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People in the U.S.—or their employers, who pass the costs along as lower wages or higher prices—pay about $2,500.

The Canadian system is actually several different systems, as each province administers its own health plan using federal and local funds. What's constant is the way the system is structured to keep costs down. First, hospitals and clinics receive fixed amounts of money to cover day-to-day expenses, such as Q-tips and syringes. If administrators want more money to make capital investments—for a new CAT scanner, for example—they must apply to the province. Second, the provinces negotiate with medical associations to establish how much doctors are allowed to charge for certain services. This is not too different from the established reimbursement rates used by U.S. health insurers and government programs, except that U.S. doctors can always charge their patients more than what insurers are willing to pay. Canadian doctors are simply not allowed to do that.

Women with Blue Cross or other commercial insurance are far more likely than uninsured women to be sliced open in the delivery room. Membership, apparently, does have its privileges.

The government-issued health plan cards that the Dunns carry in their pockets entitle them to care in every province in Canada and every country in the world. Their province will pick up the bill. That generosity ensures they won't end up stranded without coverage in some medical hellhole . . . like Washington, D.C., where their niece, 24-year-old Mamie Stobie, has been turned down for coverage by over 30 health insurance companies.

The reason? Mamie's diabetic. In health insurance jargon, that's a "pre-existing condition," a term that roughly translates to: Because Mamie needs health care, she can't have any insurance to help pay for it. That's the American way.

Home of the fee

One reason we'll be able to afford Mamie's insurance under a Canadian-style plan is that such a system would put an end to several perversions and inefficiencies in the U.S. medical market. Critics of the Canadian approach may rail about creeping socialism, but right now, American medicine turns the laws of supply and demand on their head.

Let's say, for example, you've had a heart attack. To dissolve the clots forming in your blood, you need to start taking one of two equally effective drugs. One costs $76 to $300 a dose, the other $2,200. So you take the cheaper one, right? Wrong. *Because* one of the drugs costs more, your doctor would probably prescribe it to you. As Andrew Pollack showed in *The New York Times* last summer, Genentech, the company behind the more expensive drug, pumps enormous amounts of money into studies and aggressive marketing (performed by 278 salespeople) to push its product. The other drug has been around for decades, is unprotected by patents—and so is too cheap to make marketing worthwhile. That's how the free market functions in American medicine: The development of more expensive, high-tech treatments creates the demand for more expensive, high-tech treatments; likewise, more doctors means higher fees, and that means—you guessed it—more doctors. And even higher fees.

Estimates vary among surveys, but there is no doubt that each year huge numbers of Americans undergo treatments they don't need. A 1988 *New England Journal of Medicine* study, for example, concluded that two thirds of patients who receive heart surgery do so for either "equivocal" or "inappropriate" reasons. Perhaps this is because the American medical establishment helps them decide that they want it.

Consider the notorious cesarean section, the most frequently performed major surgery in America. Almost one in four babies is born with the assistance of a surgeon's scalpel, although some experts estimate only 12 to 14 percent actually need it. Why so many cesareans? One reason is that physicians' fees average about $500 more for a cesarean than for a normal delivery, and hospital costs run about $2,000 higher. And the decision to perform the surgery is pretty much the doctor's alone—when your feet are in the stirrups and your baby's doing the Bump, you aren't too inclined to quibble with his recommendation. Maybe Marcus Welby would never let the fact that his kid wants a CD player flash through his mind as they wheel that writhing woman into the delivery room. But it does seem a strange coincidence that,

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according to *Consumer Reports*, uninsured women are least likely to undergo c-sections while those with Blue Cross or other commercial insurance are most likely to be sliced open. Membership, apparently, does have its privileges.

In Canada, doctors are also paid on a fee-for-service basis. But faced with rising health care bills, provinces are beginning to limit what an M.D. can make on certain high-volume procedures: Perform 200 cesareans in a year and get the going rate; do more than that, and get less per baby. This system ensures that doctors aren't overusing services simply for the fees.

Here's another example of the waste generated by the peculiar American medical market: overuse of the MRI, a sophisticated variation on the X-ray machine. At as much as $1,000 per scan, with doctors taking a $250 bite, these gizmos have helped hike radiologists' salaries to such heights (an average of $184,600, a 71 percent increase since 1981) that hospitals have taken to suing for a bigger cut. Of course, some doctors prefer to rely on the methods they've always used successfully. To enlighten them, most MRI centers put aside large chunks of money—the American Hospital Association (AHA) recommends $8,000 a month—for "aggressive marketing" of the scanner. Part of that money, says the AHA, should go to "convince physicians" to use the MRI more frequently. If local doctors are already fond of the MRI, "the marketing dollars are spent on attracting them to that particular facility." Guess who winds up paying for all that helpful PR—not to mention the unnecessary uses of the MRI it generates?

Dr. Eugene Vayda, a professor of health and medicine at the University of Toronto who sat on the expert committee that helped determine the distribution of MRIs, chuckled when asked how MRIs are "marketed" in Canada. "There's no marketing plan," he said, "because there's no money in it for the hospitals."

Life after debt

Another way to save on wasteful diagnoses is to pay the diagnosers less. Doctors are among the highest earners in the U.S.—in 1989 their average earnings were $150,000—and as their ranks swell, the money piles up faster. From 1971 to 1985, the share of the American GNP going to physicians rose by more than 40 percent. Under a Canada-type plan, physicians would not be able to charge the same fees that they do now—which is probably why the potent American Medical Association (AMA), which has opposed every major attempt at health reform in this century, has already begun battling the Canucks.

To hear some of the Canadian doctors groan, you'd think the Americans are right to worry. "I work twice as hard as [American doctors] and earn half as much," says Michael O'Neill, an orthopedic surgeon in British Columbia. But if O'Neill's not exaggerating, he's exceptional. While doctors' per-patient fees have fallen in Canada since nationalization in 1967, incomes on the whole haven't. The average Canadian general practitioner earns $100,000 a year, compared to about $38,700 in 1967. Isn't that enough money to lead a good life?

Restrictions such as the caps on fees may seem onerous, but the best evidence that Canadian doctors are generally satisfied with their system is that, despite ritual grumbling and constant dark prognosticating, there's been no mass exodus south to the U.S., where doctors could earn more for less work. When asked why, Canadian doctors almost always note that their system allows them to do what they were trained to: treat patients, not run a business. "I was going to go to the U.S. 12 years ago when I started practicing," says Dr. O'Neill. "But I decided not to. I don't have to bill my patients here. I don't have to fight to collect my money." The sentiment is echoed by a Quebec rheumatologist: "The system allows me to be a doctor. I don't want to be an entrepreneur." Compare these doctors' experiences with that of Dr. Bill Roy, who practiced gynecology in Topeka, Kansas, for 25 years. When he started out back in 1965, he struggled to keep his office costs below 25 percent. By the time he retired last year, more than half of his costs—at least 55 percent—had little to do with treating his clients. His form clerks and other paper-processors outnumbered his clinical staff.

Adding to the pleasure of practicing without pencil-pushing is the fact that Canadian doctors start out with less debt than American doctors do: In 1988-89, would-be doctors paid anywhere from $750 in Quebec to $3,000 in British Columbia for a year's worth of medical school. (Canada subsidizes most post-secondary education programs, not just medical school.) In the U.S., the average medical student enters residency saddled with a $40,000 debt—a powerful motivation for recommending more cesareans.

Subsidizing medical education and switching to a negotiated fee system like Canada's would be key to our nationalized program. But those aren't the only steps that should be taken to control the high cost of care. Information about the quality of doctors—the same sort of information we now get about cars, houses, and pet food—should be readily available to help patients make smart decisions. Say you're pregnant, and Doctor X recommends you have a cesarean. You should be able to go to a computer and find out how many times Doctor X has given that opinion. But, in

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the first place, reliance solely on doctors to provide medical care doesn't necessarily mean better service. Both the U.S. and Canada have made the mistake of thinking that it does. One way to further improve on the Canadian model would be to encourage greater use of "alternative care providers"—like nurse practitioners and physicians assistants—who can diagnose sore throats for a lot less than $200 a pop.

We need our hips

Under the Canadian system, the government doesn't step in just to iron out inefficiencies in the health care market. It actually takes control of supply, and therefore of demand, through rationing, a notion Canadians accept but Americans shudder to consider. Of course, some rationing decisions are fairly easy (like which of the two equally effective heart drugs doctors should be allowed to offer). In vitro fertilization, cosmetic surgery, and sex change operations are among the services for which Canadians most often have to dip into their own pockets. But the calls quickly get tougher. It's much easier to turn away than to confront hard rationing decisions, to trust in the invisible hand and our tattered patchwork of support programs rather than in some new government bureaucracy—a federal Department For Whether We Feel Like Saving Your Life.

Trouble is, the invisible hand isn't known for its compassion. As a result of the laissez-faire approach to medical care, we already have a rationing system in place—one based not on need but on ability to pay. A new study in the *Journal of the American Medical Association* (*JAMA*) found that the uninsured were 25 to 75 percent less likely to undergo each of five high-cost, discretionary procedures, including certain biopsies, colonoscopies, and CAT scans. Even after controlling for the severity of illness at the time of admission, the study discovered that the uninsured were far more likely than the insured to die before leaving the hospital. Coincidence? Not likely. Take the MRI again. The AHA explicitly recommends that MRI centers keep an eye on what's called the "funding mix"—in other words, making the MRI more available to those more able to pay.

So there's a strong social justice argument to be made for the rational rationing of health care. So what? That high-minded reasoning would be mighty small comfort if you found yourself waiting six months to get your hip replaced, like the Canadians do. It's rare that a procedure performed in the U.S. is not covered at all in the Canadian health care system. Instead, where rationing shows its dark side in Canada is in the wait you must endure for non-emergency care. Some cheerleaders for the Canadian system gloss over this problem, but no patient should have to wait six times longer to get his hip replaced under a new health care system than he would today at Georgetown University Hospital. Under our modification of the Canadian plan, no one—including those Americans who today have no hope of ever receiving the treatment in the first place—will have to.

Paper tigers

How is that possible? Because for once, more government involvement means less paperwork. Consider D.C. General Hospital, where armed guards escort men in shackles to the overtaxed HIV clinic. Ninety percent of the men and women who come through the doors lack health insurance—not to mention jobs, homes, and families. Dying or not, they wait more than an hour to see a doctor for 10 minutes. If there seem to be few staff members in this massive complex, take a turn down the stairs and through the hall. There are hundreds of health care workers here at D.C. General. Unfortunately, most of them are filling out forms.

Patients here have enough to worry about without paperwork. But the Medicaid forms they're required to fill out are so complicated that many just can't keep up. One U.S. government estimate states that about a million Medicare enrollees a year don't seek reimbursement because they find the forms too complicated. And don't think just the poor get confused. A recent *Washington Post* editorial lamented that you need a personal CPA to keep track of all the forms that pour in when you suffer from a serious illness—the health insurance claim forms, the hospital bills, doctor bills, the abstruse notices from Medicare that need deciphering to find out what's covered. This paperwork isn't just tiresome for would-be patients—it's incredibly expensive. Thankfully, the Canadian national health program actually involves *less*—much, much less—bureaucracy than ours.

Think about it. Since every citizen is automatically covered in Canada, there's no need to employ armies of people to determine whether Mamie's diabetes is a "pre-existing condition"—there's no such thing. Fewer people are needed to work in doctors' or hospitals' billing departments, because those facilities bill the government directly for all services. Doctors aren't forced to hire professional staff to manage the intricacies of insurance status and the collections process. They don't have to keep track of exactly how many Tylenol tablets one patient swallowed during a hospital stay in order to bill him for them later; they need only track how many Tylenol tablets are being dispensed at the hospital on the whole, which requires a lot less paperwork.

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Here's the bottom line: In Canada, just one cent out of every dollar spent on health care goes to administrative costs; across the border in the U.S., up to *24 cents* goes to billing, form filing, and other advanced forms of paper shuffling performed by health administrators, whose ranks swelled nearly 400 percent from 1970 to 1987. In 1991 alone, we can expect to waste from $115 to $136 billion on health administration—money we could be spending on health *care*.

In Canada, one cent of every dollar spent on health care goes to administrative costs. In the U.S., up to *24 cents* goes to billing and other advanced forms of paper shuffling.

Steffie Woolhandler and David Himmelstein, Harvard-based physicians who work with Physicians for a National Health Program, have estimated that as much as $83 billion could be saved in paperwork costs alone if the U.S. switched to a national health plan. The General Accounting Office (GAO) estimate is a little more conservative: $68 billion. Yet even that amount is more than enough to pay for basic health coverage for *all* the uninsured people in the United States, with enough left over to do more besides.

The key thing to remember about these estimates is that they cover administrative savings alone. They don't include any of the other cost-saving measures already discussed, such as cutting back on unnecessary procedures or starting up a rational rationing system. And they assume—this is crucial—that Americans *will not* start waiting longer for their heart or kidney transplant operations, or for anything else. The GAO points out that with the equipment we've already got, we'll be able to provide high-tech treatments for everyone without resorting to Canadian-style queuing.

Once that's understood, the question becomes: What do we do with the savings? The first thing, of course, is to extend the same level of care that insured Americans now receive to the uninsured; Himmelstein and Woolhandler estimate in a May *JAMA* article that this change would run us about $12 billion. If you take the GAO's $68 billion as a conservative estimate of administrative savings and subtract that $12 billion, then you're left with a full $56 billion for other goodies. What should we do with it?

Well, just to calm fears, let's take the worst case scenario, assume that we'll need to pay out some more money to fund high-tech treatments for all who need them, and do some seat-of-the-pants calculations. Consider the example of shock wave lithotripsy, a process that breaks up kidney stones. Canadians wait about six weeks to receive lithotripsy, while the average Washingtonian can get it in about three weeks at Georgetown University Hospital. Right now in the U.S., about 23,000 people get lithotripsies per year. Assuming that most of these people have health insurance, we can divide 23,000 by the number of insured Americans—214 million—and come up with a rough ratio showing how many lithotripsies should be performed per population. Then take that ratio, multiply it by the 35 million uninsured, and we get a rough number for how many lithotripsies we need to do if we want to cover the poor. Multiply that number by how much physicians earn for performing the procedure in Canada—U.S.$241—and voilà, we've got a figure for how much we would need to chop off the $56 billion savings budget—$906,642. Now, that figure underestimates some costs (it doesn't take into account hospitalization, for example) and overestimates others (it assumes that all Americans who now receive lithotripsy have health insurance, while some undoubtedly don't). So, just to be conservative, let's multiply by 10.

We can use the same formula for kidney, heart, and heart and lung transplants. Multiply by 10 and tack on the lithotripsy cost, and you get about $31,387,750— just .05 percent of the money we've got to spend. That $56 billion could go an awfully long way.

If you're an economist or a hypochondriac, you may well be thinking: All that's fine, but what about improving on the quality of treatments already offered? With the government trying to hold down costs, what incentive will there be for the kind of daring research and development only good old American capitalism can foster? One reason Canada is able to control its health care costs, some critics point out, is that it can rely on the United States to invest in coming up with new treatments and equipment. With the U.S. also going to a national system, health care could stagnate.

In the first place, there's still plenty of incentive for a truly daring health care entrepreneur to hit the laboratory; after all, if he can convince the American health care system to offer his treatment, he'll be a millionaire. But let's suppose that private corporations after nationalization do lose the will to invest in R&D. Who needs 'em? The federal government already plans to spend $8.7 billion in 1991 to fund

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health research—that amounts to 44 percent of all such research performed in the U.S. last year. Double that investment, kiss the private money goodbye, and we'll still have tens of billions of dollars in savings to spend on wart removal or herbal treatments or lollipops for the kids who don't cry.

Northern light

Right now there are almost as many piecemeal health reform proposals floating around Capitol Hill as there are congressmen. The most inventive program the Democratic leadership has come up with is more of what we've already got: expansion of employer mandates and government programs in a "play or pay" scheme. Such a patchwork approach would actually be more expensive than our current system, let alone a Canada-type plan, because it adds benefits without cutting costs; estimates range from $24 to $60 billion worth of new taxes, much of which would go for more administrative bloat. This lack of vision springs partly from blind fear—a patent unwillingness to fight the AMA and an insurance industry facing annihilation. This is why the final thing we must take from Canada is courage.

The situation Canada faced back in 1964, right before the government enacted the universal program, may sound familiar. The Canadian Medical Association wasn't any more pleased with national health care proposals than the AMA is now—and neither were Canadian health insurance companies. Meanwhile, inflation was rising and the federal deficit worsening.

When the Medical Care Insurance Bill was introduced in July of that year, the parliamentary debate was fierce. "So strident were the tones, so angry the voices, and so vehement the opposition that one journalist summed up, 'The federal government's proposed legislation lies torn, tattered, and politically rejected,'" writes Malcolm Taylor, a public policy professor at York University and a former Canadian official. Yet the bill passed in the end, partly because of the boost it received from an official commission report, requested by the Canadian Medical Association, that to the doctors' chagrin came out in favor of a national program.

Congress should listen less to campaign contributors and more to the facts. We *can* provide both basic, preventative medicine and sophisticated, high-tech care to every American—for less money than we now spend to coddle the few while leaving tens of millions vulnerable. In fact, with some political courage and a little hard work, we could probably teach Canada a thing or two about the right way to run a national health care program. □

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Rich Thomas

Newsweek

How did so many state and local governments wind up in such a mess, forced to enact the greatest tax hike—a total of $25 billion—in their history? According to Thomas in the July 1 issue, revenues that had been growing by 9 percent annually suddenly went flat, leaving three of every five states in serious financial trouble, with big bills to pay. During the eighties, a combination of Ronald Reagan's New Federalism, environmental and health care regulations imposed by Congress, and court orders aimed at prisons and schools increased the strain on state coffers. But governments also chose to spend a lot on themselves—building deluxe office towers and padding the payrolls. Not only did staffing levels increase, but between 1980 and 1987, city and state salaries grew by 59 percent—compared to 35 percent in the private sector. Thomas's investigation at last woke other journalists up to the fact that the real budget crunch story isn't about statehouse politics, prompting a slew of pieces asking the question he raised: Where did all the money go?

The Monthly Journalism Award is presented each month to the best newspaper, magazine, television, or radio story (or series of stories) on our political system. Nominations for any newspaper, magazine, or radio or television station in the country are welcome. The subject can be government in its federal, state, or municipal manifestation. Please send nominations to Monthly Journalism Award, 1611 Connecticut Ave. NW, Washington, D.C. 20009. Two copies of the article or broadcast text should accompany the nomination.

Nominations for stories published or aired in September will close October 15. The winner will be announced in the December issue.

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Hoover Damned

Exposing the ultimate G-man—and finding the ultimate bureaucrat

by Taylor Branch

Curt Gentry, best known as a writer for his coauthored account of the Charles Manson celebrity/cult murders, devoted 15 years' labor to take his place among the biographers of Hoover. His book is generally a pleasure to read. Its contributions to knowledge are many, especially for students of government, which is something of an irony considering Gentry has aimed his work more at popular melodrama. He has already signed with Francis Ford Coppola to turn the book into a cinematic mirror image of *The Godfather*.

It is no discredit to Gentry that the list of his fellow laborers is destined to grow no matter how this account is received. Hoover will remain arguably the most challenging and significant subject of American political biography of the twentieth century. Not only did the founding G-man span all eras between the Wobblies and Watergate, he also consistently shaped images that go deep into the national identity. Our reactions to the words "fingerprint" and "security" owe much to him, and even those who loathe Hoover cannot fully escape his influence on their perception of characters ranging from Al Capone and Martin Luther King to Joe McCarthy and Lee Harvey Oswald. Hoover's role was smoothly hidden or glaringly public, somewhat as blood beneath skin can remain invisible or stream vividly to the surface. It seems all the more remarkable that one who tapped so consistently into the emotional substructure of national history was not a president or a media giant but a bureaucrat. Certainly, no other bureaucrat eclipsed presidents in national popularity nor left behind such a passionately contested legend. This makes him the supreme oddity. But perhaps future scholars will find it perfectly

Taylor Branch, a contributing editor of The Washington Monthly, *is at work on a sequel to his last book,* Parting the Waters: America in the King Years, 1954-63.

J. Edgar Hoover: The Man and the Secrets. Curt Gentry. *Norton, $29.95.*

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natural that Hoover's genius lay in the techno-bureaucratic world that makes his life, better than that of FDR or Reagan, distinguish our century from Abraham Lincoln's.

Middle-crass morality

In one respect, Gentry's portrait of Hoover is inferior to an earlier comprehensive biography by Richard Gid Powers (*Secrecy and Power: The Life of J. Edgar Hoover*). Powers fixes Hoover's early character in the values of turn-of-the-century Washington, a small town in which blue-collar families like that of Dickerson Hoover—a government platemaker, son of a government printer—looked to the federal bureaucracy as an oasis of prestige and respectability. To escape into the middle class from the mud of the nineteenth century, the Hoovers needed to absorb the self-conscious morality best exemplified by the high-church Sunday school and the marching Cadet Corps, where young Edgar excelled. As a minority struggling to gain ascendancy, the middle class considered itself mortally threatened by the drag of riff-raff below—the ex-slaves making their way up from the South, and even more so the millions of immigrants who did not speak English or go to a proper church. Protestant America took refuge in the temperance movement, the YMCA, and organizations celebrating Anglo lineage. In Washington, led by President Woodrow Wilson, it defended its turf by exclusion, vigorously segregating the civil service and social institutions by race, class, and culture. The disciplined virtues of the middle class became infused with a corrupting, compulsive need to define and seal off the alien others below. In his first job as a Justice Department clerk, J. Edgar Hoover threw himself into this crusade. Exuding scorn for the lazy plunder of the patronage bureaucrats around him, he outworked everybody in making lists of Russian-speaking immigrants, anarchists, pacifists, communists, and other deviants to be expunged from a decent America. Hoover's upbringing fit the times: He was born to lead a backlash of the upright.

The Powers biography is grounded in personal descriptions of young Hoover the Sunday school teacher, vaulting his way into the starchiest Presbyterian preserves, whereas Gentry introduces a more generic Victorian bureaucrat. The two versions meet in the tale that established Hoover's prominence: the "Red" round-ups of 1919 and 1920. Hoover gathered index cards on 150,000 undesirables within months of landing a supervisor's job in Justice's subversion office in 1919—450,000 by 1921. He personally orchestrated the massive federal arrests of as many as 3,000 on a single night and put 250 aliens, among them Emma Goldman, on a rusty deportation ship headed the wrong way past the Statue of Liberty. Through it all, Gentry notes, Hoover did more than chafe against the due process rights of the defendants—he maneuvered to circumvent or remove almost any test of evidence. To him, what mattered was not so much what the deportees had done, or even what they might do, but who they were. He agreed with his boss, Attorney General A. Mitchell Palmer, who expressed shock that anyone in Congress could be interested in the word of "these ignorant aliens" as against that of "these splendid men, these real Americans" in Hoover's department.

And yet, when Congress disgraced Palmer for his unconstitutional excesses, Hoover adroitly switched. He got his job as the first FBI director by fervently supporting the public announcement of Attorney General Harlan Stone: "There is always the possibility that a secret police may become a menace to free governments and free institutions. . . . The Bureau of Investigation is not concerned with political or other opinions of individuals. It is concerned only with their conduct and then only with such conduct as is forbidden by the laws of the United States." For more than a decade of efficient criminal work, Hoover kept his promise to run a constitutional FBI, holding his political proclivities in check. Throughout the formative Palmer episode, he exhibited nearly all the traits that would mark his long career: his revulsion against foreign "elements" more than acts of crime per se, his tendency to toady upward and tyrannize downward, his patience under stress, and his uncanny fix on the status fears of "middle America" some 50 years before his protege in this regard, Richard Nixon.

The bionic bureau

Hoover used the trial period in the twenties to mold the FBI into a machine. "The key to most of Hoover's changes was standardization," writes Gentry. He became a fanatic at a unique intersection of science and culture, demanding uniform precision not only in the banker's dress of his agents but also in the language, coding, and routing of FBI files. A pioneer in systems management, he wanted interchangeable agents to work in interchangeable offices through a massively cross-indexed information network, and even into his senile years Hoover was noted for sharp rebukes on points of procedure that might appear trivial to anyone else. No other government outfit, including the Army, achieved such regimentation, the result being that the bureau took after the military in its sense of humor as well as in its finest moments of frenzied, far-flung investigative assault.

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The reformed FBI was ponderous and slavish to Hoover's most ludicrous whims, but its discipline had earned a permanent reservoir of deserved support before the Depression offered two opportunities to build from that base. First, according to Gentry, the gangster era allowed Hoover to promote the FBI as the first line of defense for the American way of life itself—claiming a role far grander than auxiliary crime- or fire-fighters. Gentry is correct to call the term Public Enemy Number One, coined by Hoover on June 22, 1934, for the John Dillinger case, a "stroke of public relations genius." Hoover played the gimmick for all it was worth, promoting himself as the personification of law enforcement through news releases and gangster films that changed the face of Hollywood. A second and even more important opening came on August 24, 1936, when FDR bestowed upon the FBI a mandate to investigate Nazi sympathizers, communist fellow travelers, America Firsters, and anybody else who might oppose the administration in the event of war. In short, Roosevelt put the FBI back into politics—permanently, this time—which was just what the director preferred. Never again did Hoover think of himself as bogged down in mundane criminal work. Crime came to play only a minor role in the bureau's mission as an intelligence outfit charged with nothing less than defining, detecting, controlling, and weeding out defective Americans.

Hoover can offer natural, Madisonian reasons for succumbing to tyrannical impulses, but what is our excuse for letting him get away with it?

As a self-assured pragmatist, Roosevelt valued Hoover's gossip and derring-do far more than he worried about their constitutional implications. Gentry shows Roosevelt to have been unperturbed even by FBI bugs aimed at his own wife. When Hoover disputed Mrs. Roosevelt's protests against his "Gestapo methods," the president is said to have amiably replied, "Well, Edgar, don't get excited. Just think about me. I have to live with her." When Hoover's files supported a campaign to fire the under secretary of state, Sumner Welles, for homosexual promiscuity, FDR said of his friend, "Well, he's not doing it on government time, is he?"

Hoover took advantage of Roosevelt's relaxed attitudes to create his own FBI rules for public relations and intelligence work, as Gentry details in the seminal case of the Nazi saboteurs. When a team of eight Nazis debarked on Long Island from a submarine on June 13, 1942, two of them made their way straight to FBI headquarters to turn themselves in as U.S. admirers. Referred to the bureau's "nut desk," they were rebuffed—"Yesterday, Napoleon called"—until they finally dumped a suitcase full of spy equipment and $84,000 in cash onto the desk of an assistant director. With directions from the defectors, the FBI caught their six confederates, who were promptly executed, while the two defectors themselves were hidden away in prison to protect the FBI's skewed version of the case: "FBI Captures Eight German Agents." Not surprisingly, the bureau suppressed the confessions of the two defectors, along with their determined initiative, on the theory that to admit anything easy, human, or haphazard about the case would diminish the public image of an omniscient FBI on guard against the Germans. Going beyond external propaganda, however, Hoover also falsified the case *within* the U.S. government, telling even Roosevelt that the bureau captured first the six fugitives and then the two strays without the benefit of any inside information.

Internal deceit was a bureaucratic tool that Hoover used to protect his political prerogatives against rivals who were far too hardened to buy his sentimental posturings. Hoover the dissembler was most often Hoover the bureaucrat rather than the bigot or boob, and Gentry is at his most perceptive in picking up the bureaucratic intrigues behind some of Hoover's most spectacular campaigns. He notes, for instance, that half the victims in the fabled Helen Bentley spy cases were connected to the OSS—thus tarnishing "Wild Bill" Donovan, Hoover's bitterest enemy and chief obstacle to his dream of controlling all U.S. intelligence, foreign and domestic. Other Bentley victims were from the Treasury Department, which Hoover had hated since Charles Lindbergh gave credit to treasury agents (truthfully) instead of the bureau for cracking his kidnapping case. Similarly, at least part of the Alger Hiss case grew out of Hoover's wars against the State Department for control of loyalty investigations, which still today supply much of the FBI manpower, as well as the choicest political gossip gleaned from questioning the neighbors, lovers, and grade-school teachers of any potential federal employee of note. The celebrated vendetta against Martin Luther King is explained not by Hoover's racial views so much as his struggle with Robert Kennedy over the FBI's political agenda. After the assassination of President Kennedy, Gentry notes, Hoover assigned the investigation of Jack Ruby to the civil rights unit solely because the organized

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crime unit was headed by a protege of Robert Kennedy—a bureaucratic move that left the Ruby case in the hands of utterly unprepared officials. Gentry makes a convincing argument that no FBI action—toward the Japanese internment of World War II, the execution of the Rosenbergs, the Huston Plan under Nixon, or anything else—can be explained without reference to Hoover's increasingly complex bureaucratic battle status.

Focus on Hoover's battles within the government inevitably leads to the sexiest political material: the bugs, taps, tapes, and other means of political leverage in the legendary radioactive files. The political Hoover is fighting most often inside the government, against kindred spirits such as House Un-American Activities Committee Chairman Martin Dies. By and large, Gentry is too sophisticated to call Hoover a blackmailer, knowing that Hoover needed only to neutralize opponents by coming privately to them as an obedient servant with confidential news of their crimes and embarrassments. Still, Gentry does believe that the sleaze blinds as well as corrupts, and in seeking to document his cover jacket quotation from Hoover—"There is something addicting about a secret"—Gentry gets addicted himself. Sinking into the ooze of the underworld, he comes to accept more on rumor and demands to be taken on his word rather than on evidence that can be examined. He presents Tom Clark as a bought man on the indirect testimony of an unctuous lobbyist named Winter-Berger. He portrays Senator Joe McCarthy as not only a crook and a homosexual but as a molester of young girls on the basis of "headquarters gossip" and two anonymous affidavits. Even worse, he describes with no sourcing at all how Hoover allegedly stopped one unfavorable magazine profile of himself by sending out "photographs of the publisher's wife engaged in fellatio with her black chauffeur while parked in Rock Creek Park." In these passages, Gentry ceases to be a convincing author. Instead he has become the worst he sees in Hoover.

Covert cooperation

Addiction saps discipline and distorts proportion. Hoover's political dirt is fascinating, but preoccupation with it sucks writer and reader alike away from larger realities. Among the events utterly lost in Gentry's account are the thousands of criminal investigations actually brought to fruition. As Hoover's career dragged on, how did such work fare in proportion to the bugs, COINTELPROs, and political background checks of the later years? If the statutory work of the FBI continued in good order, in spite of the political corruption, could it have done so without Hoover's dictatorial control and his Maoist leadership psychology? Gentry cannot address such questions, because the more legitimate aspects of the FBI's work came to interest him as little as they did Hoover.

Another issue lost in the dirt is that of the responsibility of American citizens. In a sense, Hoover's political character is easily explained: Madison and Hamilton described him perfectly in *The Federalist Papers*. The basic structure of American democracy is predicated on the assumption that people in power will seek to become less accountable—that they will become more arbitrary, more resentful of criticism, that they will shy away from courtrooms, where their evidence can be contradicted, and instead retreat into secrecy and other classified forums in which they can claim the unchecked authority of kings. Hoover can offer natural, Madisonian reasons for succumbing to tyrannical impulses, but what is our excuse for letting him get away with it? Gentry shows that some people perceived Hoover clearly almost from the beginning. "Despite all this burlesque and bombast," observed a writer in 1933, "there is a serious and sinister side to this secret federal policy system. It had always been up to its neck in personal intrigue and partisan politics. . . . More inaccessible than presidents, [Hoover] kept his agents in fear and awe by firing and shifting them at whim. . . . The director's appetite for publicity is the talk of the capital. . . ." Thirty years later, through the sophisticated sixties until Hoover's death in 1972, only the rarest of journalists even discussed Hoover in public, and some of those did not see the fundamental questions involved, wishing only to substitute a good tyrant for a bad one. What happened? Had we become dumber? Less democratic? More cowed?

With Hoover safely dead, we cannot reach these questions by substituting a cartoon of evil for the legend of the heroic G-man. The director was very close to the main tides of American politics into the superpower era. We are drifting on them still. Efforts to understand Hoover or those tides will be indebted to Gentry's contribution in these pages. □

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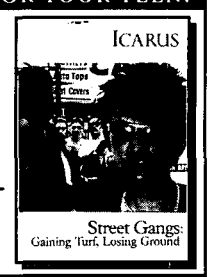

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POLITICAL BOOKNOTES

Reflections of an Affirmative Action Baby. Stephen L. Carter. *Basic Books, $23.* Shortly after Harvard Law School rejected him, Stephen Carter got a rush of calls from Harvard professors. His record was so good they had assumed he was white, they explained, and so had passed over him. But now they had learned he was black. Wouldn't he like to come after all?

Such is the saga of a whole generation: African-Americans who, having gained admission under special preference programs, pioneered the integration of predominantly white institutions in the sixties and seventies. In the debate over affirmative action currently rocking America, with one side decrying the policy as discriminatory against whites and the other defending it as the least that can be done for America's oppressed minorities, little has been heard from the beneficiaries. Carter, a noted constitutional scholar and Yale Law School professor, is as successful a representative of those beneficiaries as they come, and he tells their story well.

Reflections is a collection and an analysis of Carter's experiences as a student competing at mostly white schools: Ithaca High, Stanford, and Yale Law. It is laced with the kinds of stories of stereotyping that make African-Americans seethe with anger. "The smartest students of color were not considered as capable as the smartest white students," he writes, and "therefore would not be allowed to compete with them." The syndrome haunted him—and other African-Americans—into professional life.

The author laments that he could never be viewed as anything better than the best black. That lament is shared widely among African-American professionals, and it leads in turn to the ultimate question: Are affirmative action programs really worth it from the beneficiary's point of view, or are minorities better off fending for themselves? The dilemma hangs over Carter's whole narrative, and his views about it are wildly mixed. On the one hand, he argues, racial preferences force blacks into boxes they cannot escape. On the other, that is a small price to pay for trying to combat the enormous problems facing black America.

At times, Carter's handwringing seems excessive. It has all the charm—and some of the inanity—of an ivory tower seminar. What makes his internal debate worthwhile, however, is that a lot of lives have turned—and will continue to turn—on affirmative action programs. After all, without affirmative action, Carter acknowledges, he would not have gained admission to Yale, and he finally comes out in favor of some system of preferences, at least at the undergraduate level. "It is true that the result of racial preferences is some-

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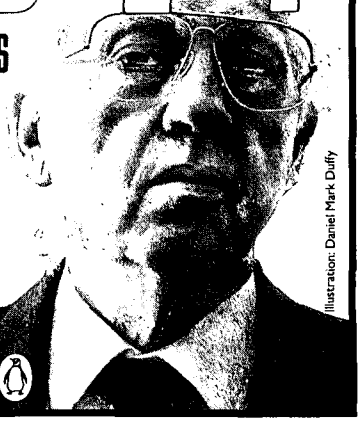

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times the hiring of black people not as qualified as white people who are turned away, and preferences of that kind do much that is harmful and little that is good," he says. "But preferences can also be a means of selecting highly qualified black people from a pool of people who are all excellent." The status Carter has achieved as one of the nation's leading legal scholars lends credibility to his conclusion. If he stopped there, his book would be remembered for bringing a much-needed, if not decisive, perspective on race in America.

But Carter goes well beyond that. In the second part of *Reflections*, he exposes one of the most serious problems plaguing African-American intellectuals today: their tendency to dismiss the views of black dissenters, particularly conservatives, as illegitimate. He gives a wide range of examples: There's the story of Julius Lester, formerly a professor of Afro-American studies at the University of Massachusetts, purged from the faculty after his conversion to Judaism. And the story of Shelby Steele, a professor at the University of California at San Jose, attacked for declaring that blacks spend too much time crying race. And then there is the case of William Lucas, the conservative Michigan politician whom Ronald Reagan nominated to be an assistant attorney general and who was opposed by the civil rights establishment. "While there is a magnificent tradition of black dissent in the United States," Carter writes, "there is no comparable tradition of black intellectual tolerance. Our history as a people has been to cast out those whose views make us uncomfortable."

Another example Carter uses is Clarence Thomas, though the U.S. District Court judge's nomination to the U.S. Supreme Court came after *Reflections* went to print. Beyond describing Thomas to further illustrate the harsh treatment black dissenters receive in the black community, Carter makes two important points about him. First, he shows how sensitive Thomas has been to the shunning he has received from black intellectuals. "Thomas has been called the usual names—an Uncle Tom, a traitor, and the rest—and he has said of the situation, 'It is lonely, I mean really lonely.'" Second, on a couple of occasions, Carter quotes Thomas acknowledging that conservatives have invited the wrath of blacks by showing remarkable insensitivity to their problems. Both points help to humanize Thomas, who has been vilified by some blacks (and whites, too) as being so conservative that he is something less than human.

But Carter's objective here is not to defend Thomas. He is careful to avoid that; indeed, when invited to do so before the Senate Judiciary Committee a couple of years ago, he declined. He is equally adamant in rejecting the view of himself as a black neoconservative, partly because he dislikes labels and partly because he has many views that are truly left of center. At one point, he even makes a list of them, and in so doing, he appears to protest just a little too much.

But critics who attempt to push (or pull) Carter into the ranks of the black right-wing will be making a mistake. He is not a conservative, neo- or otherwise. He is an honest black scholar—the product of the pre-politically correct era—who abhors the stifling of debate by either wing or by people of any hue. Carter seems to genuinely care that blacks don't limit their intellectual potential or resources by discrediting those whose views fall out of the mainstream. In documenting the ostracization of Clarence Thomas, Thomas Sowell, and others so thoroughly, he effectively condemns it. And that is the crowning achievement of his noble book.

—*Gary Lee*

Three Blind Mice: How the TV Networks Lost Their Way. Ken Auletta. *Random House, $25.* Billionaire Larry Tisch tells a top CBS executive he can't order a bagel at the Beverly Hills Hotel because it costs too much. NBC program guru Brandon Tartikoff muses that it may just be time "to bring voluptuous women back to network television." ABC President Fred Pierce secretly puts a Hollywood psychic on the payroll to help pick hits.

Auletta's new book on the networks is filled with magic moments like these. And this cornucopia of stories and facts, combined with a capable explanation of the economic forces

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changing television, makes *Three Blind Mice* a tour de force of reporting and an example of what business journalism should be. So why is everyone complaining?

The overnight verdict on Auletta's book is that it's longwinded and underedited. Hogwash. Sure, you could cut 50 or 100 of its 600 pages and no one would notice. But the same is true of any Dickens novel. When a book's ambition is to paint an entire industry, there must be at its heart a supreme effort of reporting and, equally important, a bias to err on the side of inclusion. Every business—not just "glamorous" ones like television—has its Dickensian story waiting to be spun. Ambitious journalists with the stamina to unearth them should eye Auletta's example and find their own lode to mine.

In Auletta's case, all the data builds to pretty damaging effect. If you already thought network news basically consisted of blow-dried video stenography, Auletta proves you weren't jaded enough. Imagine you're a network owner who must cut costs to survive. The news division's budget, you learn, has tripled between 1978 and 1987, from $100 to $300 million. As a result, the division is now losing more than $50 million per year. Meanwhile; CNN is putting on 24 hours of news daily (compared to the network's 3 to 4 hours) at one third of your annual cost and is making a healthy profit to boot. Rational people presented with these facts know there's room to cut—with no impact on "quality."

Even if they lack other skills, network news organizations are geniuses at publicizing any threat to their bureaucracy and controlling the spin on their own stories. After all, that's their business. Thus they succeed in peddling the preposterous myth that any attempt to make the network news run efficiently actually threatens the workings of democracy itself.

Auletta's reporting reveals how hollow this claim really is. Consider this: None of the networks conducted any internal post-mortem on their vacuous campaign coverage in 1988. ABC has difficulty getting correspondents to volunteer for "American Agenda" pieces because it means giving up a nightly fix of airtime to prepare longer, more substantive segments. And what about Dan Rather's famous walk off the set, which resulted in CBS going dark for six minutes and was billed internally as a protest over some serious threat to "news values"? That's true only if you think postponing footage of the Pope's visit to Miami in favor of the finale of a tennis match could have undermined the republic.

—*Matthew Miller*

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The Kingfish and His Realm: The Life and Times of Huey P. Long. William Ivy Hair. *Louisiana State University Press, $24.95.* For me, born in Louisiana just after the Second World War, the question is at once hypothetical and unavoidable. Ask yourself, as I have many times, would you have voted for Huey Long?

Put yourself in Louisiana just before the Great Depression, a time of minimalist government, concentrated economic power, and rampant poverty, and consider the real-life choices offered to voters when Long ran for governor and for U.S. senator. While struggling with that question helps deepen your understanding of history, it's self-revealing as well.

The question impels you to come to terms with incidents such as the clash between Long and the Shreveport establishment in 1928, the first year of his one-term governorship. The local school board had declined to accept the free textbooks that Long had prodded the legislature to provide—too humiliating to take such charity, the community's leaders said. At the same time, Shreveport wanted the legislature to approve the transfer of 80 acres of land for the Army Air Corps to build a new base just outside the city.

Long used the leverage. He not only informed Shreveport that he wouldn't support the land transfer until the free textbooks were distributed, but he also demanded, among other things, that

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its representatives support all his bills in a special session of the legislature. In the end, the schoolchildren got their free books and Shreveport got its air base. "I didn't coerce them," Long said. "I stomped them."

Do you vote for the Huey Long who provides free school books, or do you vote against the Huey Long who wants to "stomp" his adversaries into submission? Hair, a professor of history at Georgia College in Milledgeville, accentuates the negative, delivering a case, in effect, for voting against Long. Long emerges as a dictator with nasty nicknames for his many enemies and with little interest in promoting fundamental change in the condition of blacks in a rigidly segregated society. Hair writes that the "conclusion is inescapable that everything he did in politics was for the purpose of augmenting his own power."

In arriving at that judgment, Hair seems to have an implicit goal: to rebut the treatment of Long in T. Harry Williams's Pulitzer Prize-winning biography, *Huey Long*, published in 1969. Williams, writes Hair, was "overly sympathetic to Long." To be sure, Williams is more sympathetic than Hair, but the Williams biography is richer in analysis. Both Hair and Williams, for example, tell the textbook-air base story. Hair figures that Long was "mainly bluffing" in issuing demands, and he drops the story after repeating the "I stomped them" quote. Williams points out that Shreveport's leaders "did not think the state should give anything to the people" and that they "epitomized in extreme degree the psychology of conservatives of their class." Williams assesses Long's actions as "those of a typical pragmatic American politician" who sought a compromise and whose "fierce threats were only strategy, designed to frighten his foes."

Hair might have come closer to his goal of rebutting Williams had he achieved fully his explicit purpose—that is, to tell the Long story in the broader context of the economic, political, and racial situation of Louisiana in the twenties and thirties, to put the emphasis more on the "times" than on the "life." He succeeds only to a limited extent.

His book offers a chilling account of the deep-down racism that ran rampant in the late nineteenth and early twentieth centuries, and it serves as a reminder of the historical roots of the forces that have allowed David Duke, even with Klan and Nazi ties on his resume, to emerge now as a state legislator from a New Orleans suburb. Hair also reports that when Long became governor, Louisiana had only 331 miles of paved roads and no bridges over the Mississippi River.

Ultimately, however, Hair is more fascinated with Long's life than his times. And that story is indeed one of the most fascinating of twentieth century America—a story of a restless soul, an obsessive personality, a hunger for power, and the will to use it. From age 25 to 42, Long became a utilities regulator, won one term as governor, barely survived an impeachment, won a U.S. Senate seat even before completing his term as governor, ruled Louisiana from the Senate, and sought to position himself as a political threat to President Franklin Roosevelt.

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Then, in September 1935, he was struck down by an assassin in the skyscraper state capitol he had built. Dr. Carl A. Weiss, who shot Long, was married to the daughter of an anti-Long judge, and Hair claims Weiss was motivated by a rumor that Long was preparing to revive a "racial slur" that his wife's family had black blood. "In the Louisiana of 1935, few calamities could be worse than being stigmatized as 'colored,' " Hair writes.

Unfortunately, Hair does not explore in sufficient depth the political and economic structures that existed in Louisiana when Long burst onto the scene. What exactly was the role and power of Standard Oil in the state? How did the New Orleans political machine function, and what was its base? What economic interests swayed the legislature before Long wrested control for himself? While Long financed his political operations by skimming a percentage of his appointees' government salaries and placing the money in the infamous "deducts box," how did the opposition forces finance their politics? What was the gap between rich and poor, and what were the conditions of everyday life in Louisiana just before and during the Depression? In terms of context, Hair does not significantly improve upon Williams's biography or Alan Brinkley's *Voices of Protest: Huey Long, Father Coughlin, and the Great Depression.*

In the self-examination that goes into deciding how you might have voted, it is crucial to know not only Long but also his opposition. If it is unsettling to nineties sensibilities to think that a vote for Long is remotely possible, was there any other choice available to a Louisiana voter not part of the conservative, affluent elite? Was another choice possible for a voter who wanted a government that would respond to genuine human needs?

At the time of Long's death, a third force was emerging—the force of the New Deal. The Roosevelt White House played political hard ball against Long, but it also began delivering hope and assistance to people striving to make ends meet. Had Long lived longer, the New Deal may well have coopted him and shown Louisiana voters that they need not continue to vote for a candidate with dictatorial tendencies.

Long gave voice to aspirations that had gone unfulfilled—at least until Roosevelt's Democratic party responded. Circumstances have changed dramatically in the past half century—America, and even Louisiana, has a more middle-class electorate—but an alienation and an economic uneasiness once again course through the body politic, and once again they await a compelling response from the Democratic party.

—*Ferrel Guillory*

Los Angeles: Capital of the Third World. David Rieff. *Simon & Schuster, $20.* I was hoping this guy would at least spare us the kosher burrito, that neatly wrapped foodstuff sold conveniently near the *Los Angeles Times* office building that writers love to use as a metaphor for Los Angeles. And close to the end of this book, which is devoted to examining the new influx of immigrants here, I began to get excited: Although he hadn't missed many other cliches about Los Angeles, Rieff hadn't raised the specter of the kosher burrito one time. Then he began telling us about a breakfast he'd had with a "distin-

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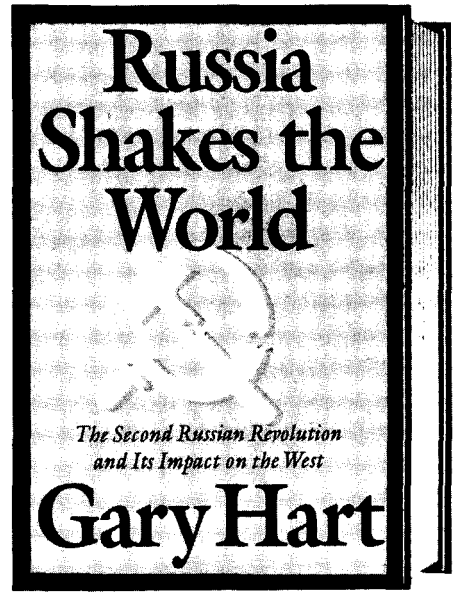

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guished psychologist" and his "well-known local portrait painter" wife.

They served up something called "dorito brei," a mixture between Huevos Rancheros and matzoh brei. Reiff can't hold back: "And yet, *like the future itself*, there it lay on our plates, its improbable mixture of aromas steaming pungently up at us."

This is not, of course, a book about food. It's hard to figure just what it is about. One minute Rieff plays the intrepid traveler setting out to test his sensibility in a foreign land. But instead of doing real reporting or even descriptive writing, he just kind of hangs out—and he's not a powerful enough writer to get away with it.

The next minute, though, he's a leftist academic brooding on L.A.'s future. He clearly comes from this world (he's the son of Susan Sontag) and he alludes to various highbrow schools of thought about Los Angeles, but he never pretends to be rigorous and the book makes no cogent intellectual argument.

Rieff's premise seems to be that Los Angeles is wrestling with its high level of immigration, soon to result in a white minority. And he appears somewhat miffed that people are going about their daily lives in the face of this encroaching reality.

Rieff seems to want to debunk the notion that this influx of people from all over the world means that L.A. has a bright future as the "gateway to the Pacific Rim." But he barely mentions the real ill effects of immigration—social services strained to the breaking point, poor health care, and disgraceful public schools. Instead, he just seems peeved that some people dare to be optimistic.

Rieff doesn't bother to puncture that optimism by discussing exactly where he thinks L.A.'s future lies. He's more interested in attitudes, and he reserves much scorn for the white middle class living on Los Angeles's Westside—the people who put him up during his stay in Los Angeles (hey—you're welcome).

They live "in a First World way on Third World prices," he says, meaning that they reap the benefits of cheap labor to tend their children, clean their houses, mow their lawns, park their cars, and clean their high-rise offices. Meanwhile, they jog or go to the gym instead of getting their exercise in the back yard, as they would if they were truly integrated beings.

Worse, according to Rieff, these bourgeois yuppies don't truly interact with the immigrants working for them. This is because they're products of television, and on TV, families in sitcoms don't have servants, yet their houses stay clean anyway. Of course, the author didn't spend any systematic time with the immigrants; he just did things like sit with an attendant in the valet parking lot for a few hours.

Yes, there are a lot of rich jerks on the Westside of Los Angeles (and in the many other middle class areas of the city), and yes, people on the planet Earth tend to be concerned with parochial things like their own circle of friends and their neighborhood. This is particularly true in a city like L.A., which unlike Manhattan, say, has a large middle class sharing space with a huge immigrant population—and with remarkably little xenophobia. Yet Rieff seems to be saying that L.A. residents who aspire to own a home with a little patch of walled-in green around it are racists.

Rieff flirts with a real issue now and then, as when he talks about whether the new wave of immigrants will assimilate in a different way than previous waves, but here, too, he's relentlessly conclusion-free. He obsesses about some sort of mass psychology of can-do-ism, with a tone of "Boy, are they in for a surprise . . ." Angelenos, he keeps saying, seem to have an illusion that they can control their own destiny, that things will work out. If these mass psychologies really exist, it's hard to believe they differ that much from city to city, or even nation to nation. Will New Yorkers be less capable of solving their problems because they're more "Old World" and cynical? Rieff keeps seizing on ephemeral cultural attitudes and trying to turn them into determinants of history.

There's much to marvel at in Los Angeles, and some problems that are unique. Someone should write a book about it. But the people who live there aren't nearly as strange a species as Rieff seems to think, even if they do have dorito brei for breakfast.

—Richard Turner

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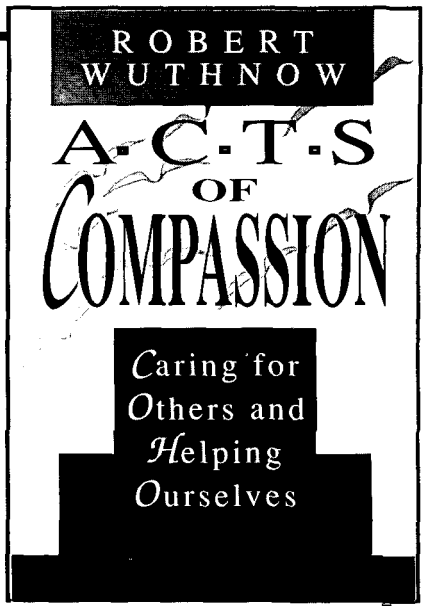

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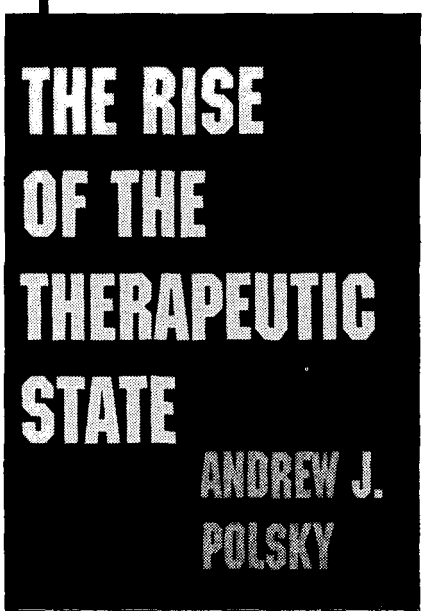

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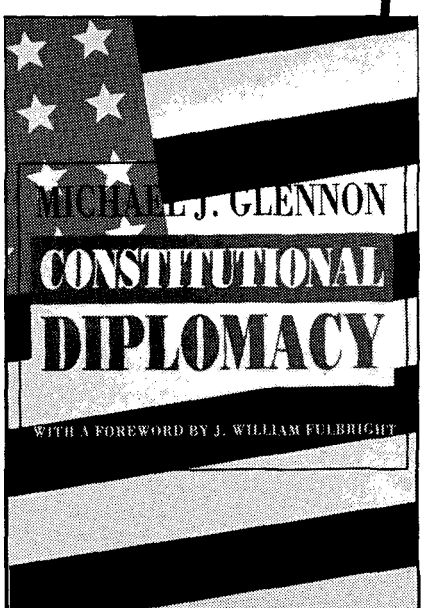

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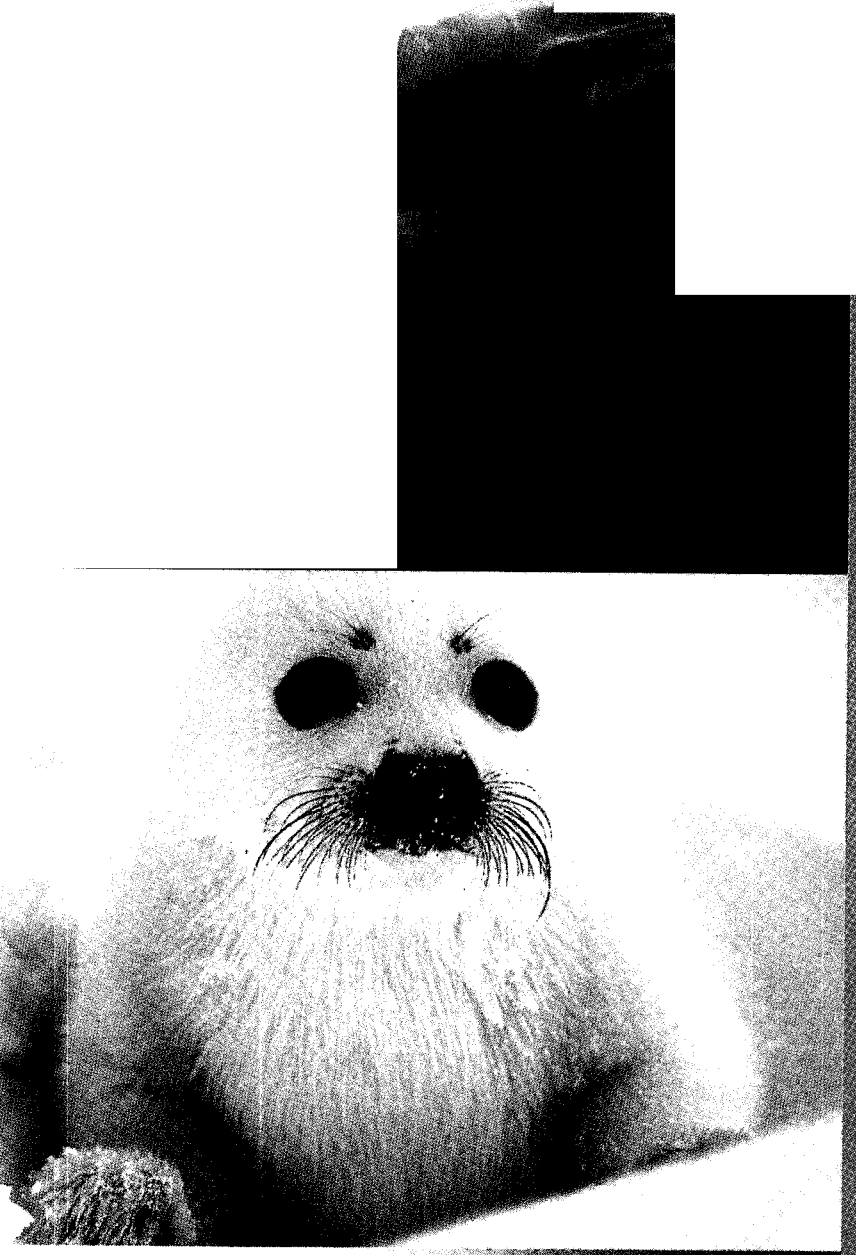

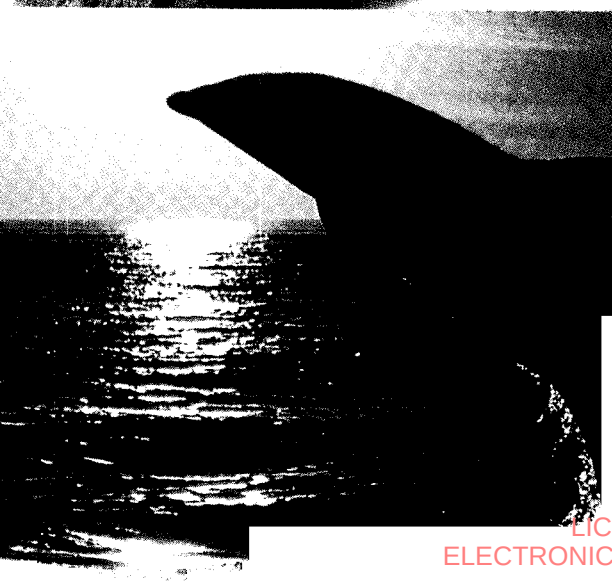

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